

**PROCEEDINGS OF THE BROWN COUNTY BOARD OF SUPERVISORS**  
**REGULAR MEETING, SEPTEMBER 21, 2016**

Pursuant to Section 19.84 and 59.14, Wis. Stats., notice is hereby given to the public that the Regular meeting of the **BROWN COUNTY BOARD OF SUPERVISORS** was held on **Wednesday, September 21, 2016 at 7:00 p.m.**, in the Legislative Room 203, 100 North Jefferson Street, Green Bay, Wisconsin.

The following matters will be considered:

Call to order at

Invocation.

Pledge of Allegiance.

Opening Roll Call:

Present: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Excused: Blom

Total Present: 25                      Total Excused: 1

**No. 1 -- ADOPTION OF AGENDA.**

Board Chairman Moynihan amended the agenda to move items #10b and #10c after item #1.

A motion was made by Vice Chair Lund and seconded by Supervisor Nicholson **“to approve amended agenda”**. Voice vote taken. Motion carried unanimously with no abstentions.

**(Items #10b and #10c were taken at this time.)**

**Administration, Executive, Public Safety and Special Planning, Development & Transportation Committees**

**No. 10b -- INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$1,970,000 GENERAL OBLIGATION PROMISSORY NOTES OF BROWN COUNTY, WISCONSIN IN ONE OR MORE SERIES AT ONE OR MORE TIMES**

THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

BE IT RESOLVED, by the County Board of Supervisors of Brown County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, General Obligation Promissory Notes in an amount not to exceed \$1,970,000 (the “Notes”) for the

purpose of paying the cost of a jail video surveillance system, jail WRC intercom system replacement, land information and tax collection system replacement, financing certain capital projects, and issuance costs (the "Projects").

BE IT FURTHER RESOLVED, by the Board of Supervisors of Brown County, Wisconsin, that change orders in excess of \$10,000 or 25% of the contract price, whichever is less, for such construction shall be submitted to the appropriate oversight committee of the Board of Supervisors of Brown County for prior approval.

BE IT FURTHER RESOLVED, by the County Board of Supervisors of Brown County, Wisconsin, that the Notes shall be offered for public sale. At a subsequent meeting, the County Board of Supervisors shall consider such bids for the Notes as may have been received and take action thereon.

BE IT FURTHER RESOLVED, by the County Board of Supervisors of Brown County, Wisconsin, that the Finance Director (in consultation with the County's financial advisor) shall cause an Official Notice of Sale to be prepared and distributed and may prepare or cause to be prepared and distributed a Preliminary Official Statement or other form of offering circular pursuant to Securities and Exchange Commission Rule 15c2-12.

BE IT FURTHER RESOLVED by the County Board of Supervisors of Brown County, Wisconsin, that the County shall make expenditures as needed from its funds on hand to pay the costs of the Projects until note proceeds which may be issued in the maximum principal amount of \$1,970,000 become available. The County hereby officially declares its intent under Treasury Regulation Section 1.150-2 to reimburse said expenditures with proceeds of the Notes.

Adopted: September 21, 2016

Respectfully submitted,

BROWN COUNTY BOARD OF SUPERVISORS  
ADMINISTRATION COMMITTEE  
EXECUTIVE COMMITTEE  
PUBLIC SAFETY COMMITTEE  
PLANNING, DEVELOPMENT AND  
TRANSPORTATION COMMITTEE

Approved By: /s/ Troy Streckenbach Date: 09/28/16

A motion was made by Supervisor Evans and seconded by Supervisor Schadewald **"to adopt"**. Roll call vote taken.

Roll call 10b(1):

Ayes: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Evans, Vander Leest, Buckley, Landwehr, Dantinne, Brusky, Ballard, Kaster, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Excused: Blom

Total Ayes: 25      Total Nays: 0      Total Excused: 1  
Motion carried.

**ATTACHMENTS TO ITEM #10B**  
**ON THE FOLLOWING PAGES**

**2017 Capital Project 5-Year Outlook Summary**

**Projects Proposed**

**As of 8/22/16**

Key for Funding Source: D = Debt Service G = Grants and Aides O = Operating Revenues M = Municipal Funds P = Property Tax GF = General Fund Fund Balance TIF = TIF District S = Stadium District Sales Tax Refund

**2017 EXECUTIVE BONDING PROPOSAL AND CAPITAL IMPROVEMENTS PROGRAM (CIP)**

DIVISION/ DEPARTMENT	PROJECT TYPE	FUNDING SOURCE	DEPT PRIORITY	PROJECT DESCRIPTION	2016	2017	Years
<b>PUBLIC SAFETY</b>							
Sherrif	D			Jail Video Surveillance System & Jail WRC Intercom System Replacement	1,181,682	-	10 Years
				<b>Public Safety Bond Request Total</b>	<b>1,181,682</b>	<b>-</b>	
<b>PLANNING, DEVELOPMENT, &amp; TRANSPORTATION</b>							
Planning and Land Services	D		1	Land Information & Tax Collection System Replacement	774,607	-	10 Years
Public Works	D		1	Courthouse Dome Replacement	-	1,790,000	20 Years
			2017-1	CTH D (Hickory Road to Barrington Drive) - Reconstruction	-	2,167,000	20 Years
			2017-2	CTH D (Hight Street to Hickory Road) - Reconstruction	-	2,013,000	20 Years
	D/G		2017-3	CTH HS (Glendale Ave to CTH B) - Surface Maintenance	-	1,867,011	20 Years
	D/P		2017-5	CTH J (CTH M to Harbor Lights Rd) - Surface Maintenance	-	511,947	20 Years
	D		2017-6	CTH Y (Shady Rd to Old 289) - Surface Maintenance	-	250,000	20 Years
				<b>Planning, Development, &amp; Transportation Bond Request Total</b>	<b>774,607</b>	<b>8,598,958</b>	
				<b>CAPITAL PROJECTS OUTLOOK BOND REQUEST TOTAL</b>	<b>1,956,289</b>	<b>8,598,958</b>	

106

## SOURCES AND USES OF FUNDS

Brown County, WI  
G.O. Promissory Notes, Series 2016B  
DRAFT

Dated Date 11/09/2016  
Delivery Date 11/09/2016

## Sources:

Bond Proceeds:	
Par Amount	1,970,000.00
	<u>1,970,000.00</u>

## Uses:

Project Fund Deposits:	
Jail - IT Systems	1,161,682.00
Land Info. and Tax Collection Systems	<u>774,607.00</u>
	1,936,289.00

Delivery Date Expenses:	
Cost of Issuance	21,688.00
Underwriter's Discount	<u>9,850.00</u>
	31,538.00

Other Uses of Funds:	
Additional Proceeds	2,173.00
	<u>1,970,000.00</u>

106

## BOND SUMMARY STATISTICS

Brown County, WI  
G.O. Promissory Notes, Series 2016B  
DRAFT

Dated Date	11/09/2016
Delivery Date	11/09/2016
Last Maturity	11/01/2024
Arbitrage Yield	1.739588%
True Interest Cost (TIC)	1.855310%
Net Interest Cost (NIC)	1.854490%
All-In TIC	2.112985%
Average Coupon	1.744816%
Average Life (years)	4.559
Duration of Issue (years)	4.367
Par Amount	1,970,000.00
Bond Proceeds	1,970,000.00
Total Interest	156,705.83
Net Interest	166,555.83
Total Debt Service	2,126,705.83
Maximum Annual Debt Service	269,057.50
Average Annual Debt Service	266,578.73
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	5.000000
Total Underwriter's Discount	5.000000
Bid Price	99.500000

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Bond Component	1,970,000.00	100.000	1.745%	4.559	842.05
	1,970,000.00			4.559	842.05

	TIC	All-In TIC	Arbitrage Yield
Par Value	1,970,000.00	1,970,000.00	1,970,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-9,850.00	-9,850.00	
- Cost of Issuance Expense		-21,688.00	
- Other Amounts			
Target Value	1,960,150.00	1,938,462.00	1,970,000.00
Target Date	11/09/2016	11/09/2016	11/09/2016
Yield	1.855310%	2.112985%	1.739588%

106

## BOND PRICING

Brown County, WI  
G.O. Promissory Notes, Series 2016B  
DRAFT

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Bond Component:					
	11/01/2017	230,000	0.950%	0.950%	100.000
	11/01/2018	240,000	1.150%	1.150%	100.000
	11/01/2019	240,000	1.300%	1.300%	100.000
	11/01/2020	245,000	1.450%	1.450%	100.000
	11/01/2021	250,000	1.650%	1.650%	100.000
	11/01/2022	250,000	1.800%	1.800%	100.000
	11/01/2023	255,000	1.950%	1.950%	100.000
	11/01/2024	260,000	2.100%	2.100%	100.000
	11/01/2025		2.200%	2.200%	100.000
	11/01/2026		2.250%	2.250%	100.000
		1,970,000			

Dated Date	11/09/2016	
Delivery Date	11/09/2016	
First Coupon	05/01/2017	
Par Amount	1,970,000.00	
Original Issue Discount		
Production	1,970,000.00	100.000000%
Underwriter's Discount	-9,850.00	-0.500000%
Purchase Price	1,960,150.00	99.500000%
Accrued Interest		
Net Proceeds	1,960,150.00	

106

## BOND DEBT SERVICE

Brown County, WI  
G.O. Promissory Notes, Series 2016B  
DRAFT

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
05/01/2017			14,655.83	14,655.83	
11/01/2017	230,000	0.950%	15,337.50	245,337.50	259,993.33
05/01/2018			14,245.00	14,245.00	
11/01/2018	240,000	1.150%	14,245.00	254,245.00	268,490.00
05/01/2019			12,865.00	12,865.00	
11/01/2019	240,000	1.300%	12,865.00	252,865.00	265,730.00
05/01/2020			11,305.00	11,305.00	
11/01/2020	245,000	1.450%	11,305.00	256,305.00	267,610.00
05/01/2021			9,528.75	9,528.75	
11/01/2021	250,000	1.650%	9,528.75	259,528.75	269,057.50
05/01/2022			7,466.25	7,466.25	
11/01/2022	250,000	1.800%	7,466.25	257,466.25	264,932.50
05/01/2023			5,216.25	5,216.25	
11/01/2023	255,000	1.950%	5,216.25	260,216.25	265,432.50
05/01/2024			2,730.00	2,730.00	
11/01/2024	260,000	2.100%	2,730.00	262,730.00	265,460.00
	1,970,000		156,705.83	2,126,705.83	2,126,705.83

106

## PROOF OF ARBITRAGE YIELD

Brown County, WI  
G.O. Promissory Notes, Series 2016B  
DRAFT

Date	Debt Service	Present Value to 11/09/2016 @ 1.7395882844%
05/01/2017	14,655.83	14,535.05
11/01/2017	245,337.50	241,217.51
05/01/2018	14,245.00	13,885.01
11/01/2018	254,245.00	245,682.96
05/01/2019	12,865.00	12,324.56
11/01/2019	252,865.00	240,153.59
05/01/2020	11,305.00	10,644.12
11/01/2020	256,305.00	239,240.75
05/01/2021	9,528.75	8,817.65
11/01/2021	259,528.75	238,090.07
05/01/2022	7,466.25	6,790.43
11/01/2022	257,466.25	232,142.07
05/01/2023	5,216.25	4,662.63
11/01/2023	260,216.25	230,592.77
05/01/2024	2,730.00	2,398.35
11/01/2024	262,730.00	228,822.47
	2,126,705.83	1,970,000.00

Proceeds Summary

Delivery date	11/09/2016
Par Value	1,970,000.00
Target for yield calculation	1,970,000.00

106



## COST OF ISSUANCE

Brown County, WI  
G.O. Promissory Notes, Series 2016B  
DRAFT

Cost of Issuance	\$/1000	Amount
Public Financial Management, Inc.	5.07614	10,000.00
Husch Blackwell LLP (estimate)	3.55330	7,000.00
Moody's (portion of \$13,500 total)	1.77665	3,500.00
IPREO (portion of \$1,000 total)	0.25381	500.00
Associated (acceptance)	0.16497	325.00
Associated (first year)	0.18426	363.00
	11.00914	21,688.00

106

No. 10c -- **INITIAL RESOLUTION AUTHORIZING THE ISSUANCE OF APPROXIMATELY \$6,070,000 GENERAL OBLIGATION CORPORATE PURPOSE REFUNDING BONDS OF BROWN COUNTY, WISCONSIN**

THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

WHEREAS, given the current favorable interest rate market for tax-exempt obligations, the County Board of Brown County, Wisconsin deems it to be desirable and in the best interest of the County to refinance the outstanding maturities of the County's obligations identified below for the purpose of interest cost savings; and

WHEREAS, counties are authorized by the provisions of Chapter 67 of the Wisconsin Statutes to refinance their outstanding obligations.

NOW, THEREFORE, BE IT RESOLVED, by the County Board of Brown County, Wisconsin, that there shall be issued, pursuant to Chapter 67, Wisconsin Statutes, approximately \$6,070,000 General Obligation Corporate Purpose Refunding Bonds (the "Refunding Bonds"), in one or more series, for the purpose of current refunding the outstanding maturities subject to prepayment of the County's General Obligation Corporate Purpose Bonds, Series 2006 and the County's General Obligation Corporate Purpose Bonds, Series 2007, and paying costs of issuance.

BE IT FURTHER RESOLVED, by the County Board of Supervisors of Brown County, Wisconsin, that the Refunding Bonds shall be offered for public sale. At a subsequent meeting, the County Board of Supervisors shall consider such bids for the Refunding Bonds as may have been received and take action thereon.

BE IT FURTHER RESOLVED, by the County Board of Supervisors of Brown County, Wisconsin, that the Finance Director (in consultation with the County's financial advisor) shall cause an Official Notice of Sale to be prepared and distributed and may prepare or cause to be prepared and distributed a Preliminary Official Statement or other form of offering circular pursuant to Securities and Exchange Commission Rule 15c2-12.

Adopted: September 21, 2016.

Fiscal Note: This resolution does not require an appropriation from the General Fund. The refunding is expected to save approximately \$425,000 in debt service costs.

Respectfully submitted,

BROWN COUNTY BOARD OF SUPERVISORS  
ADMINISTRATION COMMITTEE  
EXECUTIVE COMMITTEE

Approved By: /s/ Troy Streckenbach

Date: 09/28/16

A motion was made by Supervisor Evans and seconded by Supervisor Dantine "to adopt".  
Roll call vote taken.

Roll call 10c(1):

Ayes: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Excused: Blom

Total Ayes: 25      Total Nays: 0      Total Excused: 1

Motion carried

**ATTACHMENTS TO ITEM #10C CAN BE FOUND**  
**ON THE FOLLOWING PAGES**

## SOURCES AND USES OF FUNDS

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Dated Date 11/09/2016  
 Delivery Date 11/09/2016

Sources:	Portion Refunding 2006 Bonds	Portion Refunding 2007 Bonds	Total
Bond Proceeds:			
Par Amount	2,030,000.00	4,040,000.00	6,070,000.00
	2,030,000.00	4,040,000.00	6,070,000.00
Uses:	Portion Refunding 2006 Bonds	Portion Refunding 2007 Bonds	Total
Refunding Escrow Deposits:			
Cash Deposit	2,003,777.78	3,992,626.27	5,996,404.05
Delivery Date Expenses:			
Cost of Issuance	11,600.77	23,087.23	34,688.00
Underwriter's Discount	10,150.00	20,200.00	30,350.00
	21,750.77	43,287.23	65,038.00
Other Uses of Funds:			
Additional Proceeds	4,471.45	4,086.50	8,557.95
	2,030,000.00	4,040,000.00	6,070,000.00

10c

## SUMMARY OF REFUNDING RESULTS

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Dated Date	11/09/2016
Delivery Date	11/09/2016
Arbitrage yield	1.493382%
Escrow yield	0.000000%
Value of Negative Arbitrage	
Bond Par Amount	6,070,000.00
True Interest Cost	1.648466%
Net Interest Cost	1.645527%
Average Coupon	1.495947%
Average Life	3.343
Par amount of refunded bonds	5,985,000.00
Average coupon of refunded bonds	4.049828%
Average life of refunded bonds	3.415
PV of prior debt to 11/09/2016 @ 1.493382%	6,494,926.47
Net PV Savings	433,484.42
Percentage savings of refunded bonds	7.242847%
Percentage savings of refunding bonds	7.141424%

100

## SUMMARY OF BONDS REFUNDED

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Bond	Maturity Date	Interest Rate	Par Amount	Call Date	Call Price
\$7,125,000 G.O. Bonds Series 2006, 2006:					
BOND	11/01/2017	4.000%	370,000.00	11/18/2016	100.000
	11/01/2018	4.000%	380,000.00	11/18/2016	100.000
	11/01/2019	4.000%	400,000.00	11/18/2016	100.000
	11/01/2020	4.000%	415,000.00	11/18/2016	100.000
	11/01/2021	4.000%	435,000.00	11/18/2016	100.000
			2,000,000.00		
\$9,240,000 G.O. Bonds, Series 2007, 2007:					
BOND	11/01/2017	4.000%	600,000.00	11/18/2016	100.000
	11/01/2018	4.000%	625,000.00	11/18/2016	100.000
	11/01/2019	4.050%	650,000.00	11/18/2016	100.000
	11/01/2020	4.050%	675,000.00	11/18/2016	100.000
	11/01/2021	4.100%	705,000.00	11/18/2016	100.000
	11/01/2022	4.100%	730,000.00	11/18/2016	100.000
			3,985,000.00		
			5,985,000.00		

10c

## SAVINGS

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Date	Prior Debt Service	Refunding Debt Service	Savings	Annual Savings	Present Value to 11/09/2016 @ 1.4933823%
05/01/2017	120,748.75	39,466.83	81,281.92		80,706.17
11/01/2017	1,090,748.75	1,096,302.50	-5,553.75	75,728.17	-5,473.54
05/01/2018	101,348.75	36,291.25	65,057.50		63,642.70
11/01/2018	1,106,348.75	1,091,291.25	15,057.50	80,115.00	14,620.87
05/01/2019	81,248.75	30,225.00	51,023.75		49,177.00
11/01/2019	1,131,248.75	1,105,225.00	26,023.75	77,047.50	24,895.95
05/01/2020	60,086.25	23,237.50	36,848.75		34,990.55
11/01/2020	1,150,086.25	1,108,237.50	41,848.75	78,697.50	39,443.89
05/01/2021	38,117.50	15,371.25	22,746.25		21,280.23
11/01/2021	1,178,117.50	1,120,371.25	57,746.25	80,492.50	53,624.03
05/01/2022	14,965.00	6,255.00	8,710.00		8,028.29
11/01/2022	744,965.00	701,255.00	43,710.00	52,420.00	39,990.32
	6,818,030.00	6,373,529.33	444,500.67	444,500.67	424,926.47

## Savings Summary

PV of savings from cash flow	424,926.47
Plus: Refunding funds on hand	8,557.95
Net PV Savings	433,484.42

100

## SAVINGS

Brown County, WI  
Portion Refunding 2006 Bonds

Date	Prior Debt Service	Refunding Debt Service	Savings	Annual Savings	Present Value to 11/09/2016 @ 1.4933823%
05/01/2017	40,000.00	12,652.75	27,347.25		27,153.54
11/01/2017	410,000.00	413,241.25	-3,241.25	24,106.00	-3,194.44
05/01/2018	32,600.00	11,341.25	21,258.75		20,796.44
11/01/2018	412,600.00	406,341.25	6,258.75	27,517.50	6,077.26
05/01/2019	25,000.00	9,070.00	15,930.00		15,353.43
11/01/2019	425,000.00	414,070.00	10,930.00	26,860.00	10,456.32
05/01/2020	17,000.00	6,437.50	10,562.50		10,029.86
11/01/2020	432,000.00	416,437.50	15,562.50	26,125.00	14,668.19
05/01/2021	8,700.00	3,465.00	5,235.00		4,897.60
11/01/2021	443,700.00	423,465.00	20,235.00	25,470.00	18,790.52
	2,246,600.00	2,116,521.50	130,078.50	130,078.50	125,028.73

Savings Summary

PV of savings from cash flow	125,028.73
Plus: Refunding funds on hand	4,471.45
Net PV Savings	129,500.18

10c



## SAVINGS

Brown County, WI  
Portion Refunding 2007 Bonds

Date	Prior Debt Service	Refunding Debt Service	Savings	Annual Savings	Present Value to 11/09/2016 @ 1.4933823%
05/01/2017	80,748.75	26,814.08	53,934.67		53,552.63
11/01/2017	680,748.75	683,061.25	-2,312.50	51,622.17	-2,279.10
05/01/2018	68,748.75	24,950.00	43,798.75		42,846.26
11/01/2018	693,748.75	684,950.00	8,798.75	52,597.50	8,543.61
05/01/2019	56,248.75	21,155.00	35,093.75		33,823.57
11/01/2019	706,248.75	691,155.00	15,093.75	50,187.50	14,439.63
05/01/2020	43,086.25	16,800.00	26,286.25		24,960.70
11/01/2020	718,086.25	691,800.00	26,286.25	52,572.50	24,775.70
05/01/2021	29,417.50	11,906.25	17,511.25		16,382.63
11/01/2021	734,417.50	696,906.25	37,511.25	55,022.50	34,833.51
05/01/2022	14,965.00	6,255.00	8,710.00		8,028.29
11/01/2022	744,965.00	701,255.00	43,710.00	52,420.00	39,990.32
	4,571,430.00	4,257,007.83	314,422.17	314,422.17	299,897.74

Savings Summary

PV of savings from cash flow	299,897.74
Plus: Refunding funds on hand	4,086.50
Net PV Savings	303,984.24

10c

## BOND SUMMARY STATISTICS

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Dated Date	11/09/2016
Delivery Date	11/09/2016
Last Maturity	11/01/2022
Arbitrage Yield	1.493382%
True Interest Cost (TIC)	1.648466%
Net Interest Cost (NIC)	1.645527%
All-In TIC	1.827064%
Average Coupon	1.495947%
Average Life (years)	3.343
Duration of Issue (years)	3.255
Par Amount	6,070,000.00
Bond Proceeds	6,070,000.00
Total Interest	303,529.33
Net Interest	333,879.33
Total Debt Service	6,373,529.33
Maximum Annual Debt Service	1,135,769.33
Average Annual Debt Service	1,066,203.79
Underwriter's Fees (per \$1000)	
Average Takedown	
Other Fee	5.000000
Total Underwriter's Discount	5.000000
Bid Price	99.500000

Bond Component	Par Value	Price	Average Coupon	Average Life	PV of 1 bp change
Bond Component	6,070,000.00	100.000	1.496%	3.343	1,928.00
	6,070,000.00			3.343	1,928.00

	TIC	All-In TIC	Arbitrage Yield
Par Value	6,070,000.00	6,070,000.00	6,070,000.00
+ Accrued Interest			
+ Premium (Discount)			
- Underwriter's Discount	-30,350.00	-30,350.00	
- Cost of Issuance Expense		-34,688.00	
- Other Amounts			
Target Value	6,039,650.00	6,004,962.00	6,070,000.00
Target Date	11/09/2016	11/09/2016	11/09/2016
Yield	1.648466%	1.827064%	1.493382%

10c

## BOND PRICING

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Bond Component	Maturity Date	Amount	Rate	Yield	Price
Bond Component:					
	11/01/2017	1,055,000	0.950%	0.950%	100.000
	11/01/2018	1,055,000	1.150%	1.150%	100.000
	11/01/2019	1,075,000	1.300%	1.300%	100.000
	11/01/2020	1,085,000	1.450%	1.450%	100.000
	11/01/2021	1,105,000	1.650%	1.650%	100.000
	11/01/2022	695,000	1.800%	1.800%	100.000
		6,070,000			

Dated Date	11/09/2016	
Delivery Date	11/09/2016	
First Coupon	05/01/2017	
Par Amount	6,070,000.00	
Original Issue Discount		
Production	6,070,000.00	100.000000%
Underwriter's Discount	-30,350.00	-0.500000%
Purchase Price	6,039,650.00	99.500000%
Accrued Interest		
Net Proceeds	6,039,650.00	

10c

## BOND DEBT SERVICE

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
05/01/2017			39,466.83	39,466.83	
11/01/2017	1,055,000	0.950%	41,302.50	1,096,302.50	1,135,769.33
05/01/2018			36,291.25	36,291.25	
11/01/2018	1,055,000	1.150%	36,291.25	1,091,291.25	1,127,582.50
05/01/2019			30,225.00	30,225.00	
11/01/2019	1,075,000	1.300%	30,225.00	1,105,225.00	1,135,450.00
05/01/2020			23,237.50	23,237.50	
11/01/2020	1,085,000	1.450%	23,237.50	1,108,237.50	1,131,475.00
05/01/2021			15,371.25	15,371.25	
11/01/2021	1,105,000	1.650%	15,371.25	1,120,371.25	1,135,742.50
05/01/2022			6,255.00	6,255.00	
11/01/2022	695,000	1.800%	6,255.00	701,255.00	707,510.00
	6,070,000		303,529.33	6,373,529.33	6,373,529.33

10c

## DETAILED BOND DEBT SERVICE

Brown County, WI  
Portion Refunding 2006 Bonds

Bond Component (BOND)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
05/01/2017			12,652.75	12,652.75	
11/01/2017	400,000	0.950%	13,241.25	413,241.25	425,894.00
05/01/2018			11,341.25	11,341.25	
11/01/2018	395,000	1.150%	11,341.25	406,341.25	417,682.50
05/01/2019			9,070.00	9,070.00	
11/01/2019	405,000	1.300%	9,070.00	414,070.00	423,140.00
05/01/2020			6,437.50	6,437.50	
11/01/2020	410,000	1.450%	6,437.50	416,437.50	422,875.00
05/01/2021			3,465.00	3,465.00	
11/01/2021	420,000	1.650%	3,465.00	423,465.00	426,930.00
	2,030,000		86,521.50	2,116,521.50	2,116,521.50

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## DETAILED BOND DEBT SERVICE

Brown County, WI  
Portion Refunding 2007 Bonds

Bond Component (BOND)

Period Ending	Principal	Coupon	Interest	Debt Service	Annual Debt Service
05/01/2017			26,814.08	26,814.08	
11/01/2017	655,000	0.950%	28,061.25	683,061.25	709,875.33
05/01/2018			24,950.00	24,950.00	
11/01/2018	660,000	1.150%	24,950.00	684,950.00	709,900.00
05/01/2019			21,155.00	21,155.00	
11/01/2019	670,000	1.300%	21,155.00	691,155.00	712,310.00
05/01/2020			16,800.00	16,800.00	
11/01/2020	675,000	1.450%	16,800.00	691,800.00	708,600.00
05/01/2021			11,906.25	11,906.25	
11/01/2021	685,000	1.650%	11,906.25	696,906.25	708,812.50
05/01/2022			6,255.00	6,255.00	
11/01/2022	695,000	1.800%	6,255.00	701,255.00	707,510.00
	4,040,000		217,007.83	4,257,007.83	4,257,007.83

10c

## FORM 8038 STATISTICS

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Dated Date 11/09/2016  
 Delivery Date 11/09/2016

Bond Component	Date	Principal	Coupon	Price	Issue Price	Redemption at Maturity
Bond Component:						
	11/01/2017	1,055,000.00	0.950%	100.000	1,055,000.00	1,055,000.00
	11/01/2018	1,055,000.00	1.150%	100.000	1,055,000.00	1,055,000.00
	11/01/2019	1,075,000.00	1.300%	100.000	1,075,000.00	1,075,000.00
	11/01/2020	1,085,000.00	1.450%	100.000	1,085,000.00	1,085,000.00
	11/01/2021	1,105,000.00	1.650%	100.000	1,105,000.00	1,105,000.00
	11/01/2022	695,000.00	1.800%	100.000	695,000.00	695,000.00
		6,070,000.00			6,070,000.00	6,070,000.00

	Maturity Date	Interest Rate	Issue Price	Stated Redemption at Maturity	Weighted Average Maturity	Yield
Final Maturity	11/01/2022	1.800%	695,000.00	695,000.00		
Entire Issue			6,070,000.00	6,070,000.00	3.3427	1.4934%

Proceeds used for accrued interest	0.00
Proceeds used for bond issuance costs (including underwriters' discount)	65,038.00
Proceeds used for credit enhancement	0.00
Proceeds allocated to reasonably required reserve or replacement fund	0.00
Proceeds used to currently refund prior issues	5,996,404.05
Proceeds used to advance refund prior issues	0.00
Remaining weighted average maturity of the bonds to be currently refunded	3.4113
Remaining weighted average maturity of the bonds to be advance refunded	0.0000

10c

## FORM 8038 STATISTICS

Brown County, WI  
G.O. Refunding Bonds, Series 2016C  
Issued to be Deemed / Designated Bank Qualified  
DRAFT

Refunded Bonds

Bond Component	Date	Principal	Coupon	Price	Issue Price
\$7,125,000 G.O. Bonds Series 2006:					
BOND	11/01/2017	370,000.00	4.000%	100.000	370,000.00
BOND	11/01/2018	380,000.00	4.000%	99.513	378,149.40
BOND	11/01/2019	400,000.00	4.000%	98.973	395,892.00
BOND	11/01/2020	415,000.00	4.000%	98.649	409,393.35
BOND	11/01/2021	435,000.00	4.000%	98.302	427,613.70
		2,000,000.00			1,981,048.45
\$9,240,000 G.O. Bonds, Series 2007:					
BOND	11/01/2017	600,000.00	4.000%	99.577	597,462.00
BOND	11/01/2018	625,000.00	4.000%	99.366	621,037.50
BOND	11/01/2019	650,000.00	4.050%	99.515	646,847.50
BOND	11/01/2020	675,000.00	4.050%	99.283	670,160.25
BOND	11/01/2021	705,000.00	4.100%	99.459	701,185.95
BOND	11/01/2022	730,000.00	4.100%	99.208	724,218.40
		3,985,000.00			3,960,911.60
		5,985,000.00			5,941,960.05
			Last Call Date	Issue Date	Remaining Weighted Average Maturity
\$7,125,000 G.O. Bonds Series 2006			11/18/2016	06/07/2006	3.0517
\$9,240,000 G.O. Bonds, Series 2007			11/18/2016	07/12/2007	3.5911
All Refunded Issues			11/18/2016		3.4113

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## PROOF OF ARBITRAGE YIELD

Brown County, WI  
 G.O. Refunding Bonds, Series 2016C  
 Issued to be Deemed / Designated Bank Qualified  
 DRAFT

Date	Debt Service	Total	Present Value to 11/09/2016 @ 1.4933823190%
05/01/2017	39,466.83	39,466.83	39,187.27
11/01/2017	1,096,302.50	1,096,302.50	1,080,469.25
05/01/2018	36,291.25	36,291.25	35,502.03
11/01/2018	1,091,291.25	1,091,291.25	1,059,646.72
05/01/2019	30,225.00	30,225.00	29,131.04
11/01/2019	1,105,225.00	1,105,225.00	1,057,327.53
05/01/2020	23,237.50	23,237.50	22,065.69
11/01/2020	1,108,237.50	1,108,237.50	1,044,552.09
05/01/2021	15,371.25	15,371.25	14,380.56
11/01/2021	1,120,371.25	1,120,371.25	1,040,393.50
05/01/2022	6,255.00	6,255.00	5,765.44
11/01/2022	701,255.00	701,255.00	641,578.89
	6,373,529.33	6,373,529.33	6,070,000.00

Proceeds Summary

Delivery date	11/09/2016
Par Value	6,070,000.00
Target for yield calculation	6,070,000.00

10c

## COST OF ISSUANCE

Brown County, WI  
G.O. Refunding Bonds, Series 2016C  
Issued to be Deemed / Designated Bank Qualified  
DRAFT

Cost of Issuance	\$/1000	Amount
Public Financial Management, Inc.	2.47117	15,000.00
Husch Blackwell LLP (estimate)	1.40033	8,500.00
Moody's (portion of \$13,500 total)	1.64745	10,000.00
IPREO (portion of \$1,000 total)	0.08237	500.00
Associated (acceptance)	0.05354	325.00
Associated (first year)	0.05980	363.00
	5.71466	34,688.00

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## **PRESENTATION**

Presentation Regarding Possible Jail Expansion was given by Sheriff John Gossage

**\*\*Presentation documents are included at the end of the minutes in their entirety.\*\***

### **No. 2 -- COMMENTS FROM THE PUBLIC:**

- a) State name and address for the record.
- b) Comments will be limited to five minutes.
- c) The Board's role is to listen and not discuss comments nor take action on those comments at this meeting.

Bob Srenaski, 3375 Sonata Drive, Green Bay, addressed the Board regarding the potential expansion of the Brown County Jail and associated planning pitfalls that may occur when using a linear projection.

Robert Welsing, Sr., 2140 Westline Road, Green Bay, spoke on behalf of his late son Robert Welsing, Jr.

Marian Boyle Rohloff, 118 S. Washington Street, Green Bay, is the pastor at the Westside Moravian Church and spoke on behalf of the JOSHUA group. Ms. Rohloff stated that she as well as the JOSHUA group would like to see other alternatives to expanding the jail, such as treatment and rehabilitation, be pursued.

Raymond Reed, Green Bay, of NEW Beginnings Ministry spoke on behalf of JOSHUA. Mr. Reed stated that before any final decision on the jail expansion is made, many questions must be asked in order to make an educated decision that best addresses the issue at hand.

Leann Kramer, 702 Neville Avenue, Green Bay, addressed the Board regarding the potential jail expansion. Ms. Kramer stated that local government leaders must reach out to State lawmakers in order to change laws, so that a reduction in unnecessary incarceration can be attained, which in turn would reduce the jail overcrowding.

Vicky Loritz, 424 Wilson Avenue, Green Bay, spoke on behalf of her son who is currently in the Brown County Jail. Ms. Loritz also commented on the overall Jail conditions and the issues surrounding incarceration vs. rehabilitation and treatment.

### **No. 3 -- APPROVAL OF MINUTES OF AUGUST 17, 2016**

A motion was made by Supervisor Sieber and seconded by Supervisor Becker **"to approve"**. Voice vote taken. Motion carried unanimously with no abstentions.

### **No. 4 -- ANNOUNCEMENTS OF SUPERVISORS.**

Supervisor Dantine invited the Board and the community to attend a fundraiser event at Saint Thomas Church on October 6, 2016 from 4-7p.m.

Supervisor Hoyer invited all to attend both the Brown County Human Services Day on Tuesday, September 27, 2016, from 3-5p.m. as well as a Health Department event at the Brown County Shopko Hall on October 15, 2016, from 9-12pm.

Supervisor Erickson expressed his gratitude to all those who attended and volunteered for the Veterans Services Day at the Brown County Fair. Mr. Erickson expressed special thanks to the Register of Deeds staff, Veterans Office staff, and County Board Supervisors.

Supervisor Lefebvre invited the Board to partake in the "Bring Back the Bay" event in October.

**No. 5 -- COMMUNICATIONS.** None.

**No. 5a -- FROM SUPERVISOR VAN DYCK: MODIFY SECTION 3.06 OF THE BROWN COUNTY CODE OF ORDINANCES ENTITLED "PURCHASE AND SALE OF TAX DELINQUENT PROPERTY" BY REPLACING ANY REFERENCE TO EXECUTIVE COMMITTEE WITH ADMINISTRATION COMMITTEE, BASICALLY TRANSFERRING OVERSIGHT FOR THE PURCHASE AND SALE OF TAX DELINQUENT PROPERTY FROM EXECUTIVE COMMITTEE TO ADMINISTRATION COMMITTEE.**

Referred to Executive Committee.

**No. 5b -- FROM SUPERVISOR HOYER: EXPLORE POSSIBILITY TO MAKE THE RESULTS OF SANITARIAN VISITS TO BUSINESSES IN OUR COMMUNITY AVAILABLE ONLINE.**

Referred to Human Services Committee.

**No. 5c -- FROM SUPERVISOR HOYER: REQUEST A REVIEW OF COUNTY-WIDE POLICIES AND PROCEDURES BY THE HEALTH DEPARTMENT FOR COORDINATING WITH MUNICIPALITIES FACED WITH POTENTIAL LEAD LEVELS IN RESIDENTIAL DRINKING WATER, INCLUDING AN EXPLORATION OF PROVIDING FILTERS TO THOSE AT RISK WITH LEAD PIPES, PARTICULARLY HOUSEHOLDS WITH CHILDREN AND EXPECTANT MOTHERS.**

Referred to Human Services Committee.

**No. 5d -- FROM SUPERVISOR GRUSZYNSKI: TO INCREASE TRANSPARENCY AND GOOD GOVERNMENT PRACTICES IN BROWN COUNTY, ANY CAMPAIGN FINANCE REPORT SUBMITTED BY A REGISTERED CAMPAIGN COMMITTEE, TO THE COUNTY CLERK, MUST BE ACCOMPANIED BY A BANK STATEMENT. THE BANK STATEMENT MUST MATCH THE BANK ACCOUNT LISTED ON THE CANDIDATE'S COMMITTEE REGISTRATION STATEMENT. THE BANK STATEMENT WILL ALSO BE REQUIRED TO REFLECT ALL CAMPAIGN CONTRIBUTIONS COVERED IN THE SCOPE OF THE FILING PERIOD. A BANK STATEMENT REQUIREMENT WOULD APPLY TO ALL REPORTS, INCLUDING THOSE WITH NO ACTIVITY, AND CANDIDATES CLAIMING EXEMPTION.**

Referred to Administration Committee.

**No. 5e -- FROM SUPERVISOR ERICKSON: GET DAY REPORT CENTER OPERATING. WAUKESHA CO. SAW AN IMPROVEMENT OF 15-20% REDUCTION IN THEIR JAIL POPULATION. INCREASE DIVERSION PROGRAM. DO WE HAVE TO ADD ANY ADDITIONAL STAFF TO THIS**

PROGRAM? MUNICIPAL WARRANTS ARE ENTERED FOR FAILURE TO PAY ON VERY LOW BOND AMOUNTS. HOW IS THIS DETERMINED? BROWN CO. IS AT \$500.00 FOR NON-PAYMENT. CAN BROWN CO. AND THE SHERIFF ASK MUNICIPALITIES TO RAISE THE AMOUNT OR PROVIDE THEIR OWN FACILITY FOR SUCH LOW BOND AMOUNTS? ADDRESS MUNICIPAL COURTS LOW WARRANTS FOR FAILURE TO PAY. ARE THESE WARRANTS STILL ACTIVE? SEND JUVENILES TO STATE FACILITY RATHER THAN EXPAND THE JAIL SPACE. LOOK INTO A SCARED STRAIGHT PROGRAM. STAGER TIME SERVED IN JAIL IF A MONTH IS PARTIALLY FULL. EX. HALF NOW AND HALF IN 120 DAYS. DISCUSSION ON REPORT DATES TO JAIL. MOVE TO MONDAY MID-MORNING, INSTEAD OF FRIDAYS. FIND A BETTER SOLUTION FOR OAR (OPERATING AFTER REVOCATION) AND OAS (OPERATING AFTER SUSPENSION) FOR NON-APPEARANCES AND PAYMENT HEARINGS. THIS MAY ELIMINATE 2-5 LOCK UPS PER WEEK. MONTHLY REPORTING OF JAIL POPULATION TO THE JUDICIAL SYSTEM – DA’S OFFICE, JUDGES AND COURT COMMISSIONERS.

Referred to Criminal Justice Coordinating Board and Public Safety Committee.

**No. 5f --** FROM SUPERVISOR SCHADEWALD: I PROPOSE THAT THE HUMAN SERVICES COMMITTEE EXAMINE AND DRAFT A RESOLUTION SIMILAR TO ST. CROIX COUNTY RESOLUTION NO. 37 (2016).

Referred to Human Services Committee.

**No. 5g --** FROM SUPERVISOR ZIMA: I AM REQUESTING THE FOLLOWING: A.) AN ACCOUNTING OF WHERE THE MONEY CAME FROM TO SETTLE THE RESIGNATION OF FORMER CORPORATION COUNSEL JULIANA RUENZEL INCLUDING ATTORNEY FEES, B.) A REVIEW OF COUNTY POLICY REGARDING 1.) TRANSFER OF FUNDS AND 2.) THE USE OF CONTRACT SERVICE FUNDS AS BUDGETED, C.) A REVIEW WITH POSSIBLE ACTION OF POLICIES GOVERNING THE ABOVE MENTIONED.

Referred to Administration Committee.

**No. 5h --** FROM SUPERVISOR DE WANE: TO LOOK AT FUNDING THE D.A.R.E. PROGRAM FOR ONE YEAR, WHILE THEY GET THEIR MUCH NEEDED PROGRAM BACK ON THE GROUND.

Referred to Public Safety and Executive Committees.

**No. 5i --** FROM SUPERVISOR EVANS: TO REVIEW WITH POSSIBLE ACTION ON COUNTY POLICIES REGARDING VISITING HOURS FOR RELATIVES, COURT APPOINTED GUARDIANS, AND OTHER PROFESSIONAL SERVICES PERSONNEL AT THE COMMUNITY TREATMENT CENTER.

Referred to Human Services Committee.

**No. 6 --** APPOINTMENTS  
COUNTY EXECUTIVE:

**No. 6a -- Appointment/Confirmation of David P. Hemery as Brown County Corporation Counsel.**

A motion was made by Supervisor Landwehr and seconded by Supervisor Buckley **“to approve the above appointment”**.

Following discussion of wage and benefits a motion was made by Supervisor Evans and seconded by Supervisor Zima **“to refer back to the County Executive”**. Roll call vote taken.

Roll call 6a(1):

Ayes: Nicholson, Zima, Evans, Kneiszel

Nays: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Erickson, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Excused: Blom

Total Ayes: 4      Total Nays: 21      Total Excused: 1

Motion failed.

Supervisor Kneiszel requested the Board allow him to change his vote as he voted incorrectly. As a result, a motion was made by Vice Chair Lund and seconded by Supervisor Becker **“to allow Supervisor Kneiszel to change his vote from aye to nay.”** Voice vote taken. Motion carried unanimously with no abstentions.

Total Ayes: 3      Total Nays: 22      Total Excused: 1

Following, a roll call vote was taken on Supervisor Landwehr’s original motion **“to approve the above appointment”**.

Roll call 6a(2):

Ayes: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Nays: Zima, Evans, Kaster

Excused: Blom

Total Ayes: 22      Total Nays: 3      Total Excused: 1

Motion carried.

**No. 7a -- REPORT BY COUNTY EXECUTIVE.**

County Executive Streckenbach stated that Brown County continues to look at other alternatives to incarceration that specifically focus on treatment. Mr. Streckenbach stated that there are also

programs that aim to teach these individuals “soft skills,” so that they can assimilate back into the labor force and society as a whole.

Executive Streckenbach explained that the Brown County Human Services as well as the Brown County Child Support offices have numerous programs that are available to any at-risk individual. Mr. Streckenbach also commended the Child Support staff for its efforts to change the department’s punitive perception to a much more supportive role.

Mr. Streckenbach extended his gratitude to the Brown County Supervisors whom have met with him over the past few weeks regarding the Brown County Budget for 2017.

County Executive Streckenbach stated that the Annual Children’s Charity Golf Classic just occurred and raised approximately \$58,000. Of that total, \$20,000 went to the NWTC Educational Foundation and the remaining \$38,000 was donated to the “House of Hope.” Mr. Streckenbach also noted that Brown County Employees just recently raised \$11,000 to be donated to the Brown County United Way.

Executive Streckenbach invited all to come and witness the Brown County Farm demonstrations. The demonstrations are important as they help describe and educate the public on issues such as run-off, green zones, dead zones, and other factors affecting our watershed.

Mr. Streckenbach thanked Airport Director Tom Miller and his staff for the wonderful job they did welcoming LSU fans to the area during the Wisconsin vs. LSU football game. Mr. Streckenbach stated that the impressive nature in which the area was depicted will leave lasting effects on those who pass through the airport.

County Executive Streckenbach informed the Board that staff has begun to look into the courthouse dome and restoration efforts. Mr. Streckenbach stated that the next budget does include preparation and bonding for this upcoming project. Executive Streckenbach remarked that these efforts come at a unique time as next year marks the 200<sup>th</sup> Anniversary of Brown County. With this in mind, since the courthouse is a historic building and symbol of Brown County, it is only prudent to restore and improve this important landmark.

Mr. Streckenbach extended his gratitude to Kristen Hooker for her time and effort serving as Interim Corporation Counsel during the past few months.

**No. 7b -- REPORT BY BOARD CHAIRMAN.**

Chairman Moynihan expressed his gratitude and appreciation to Sheriff Gossage and Director Fontecchio for their time and effort on the jail presentation. Mr. Moynihan also reminded the Board that next month is the annual presentation by the Drug Task Force and looks forward to hearing the progress that has been made in the County.

County Board Chairman Moynihan echoed County Executive Streckenbach’s sentiments, as he too thanked Interim Corporation Counsel Kristen Hooker for her time and dedication.

Chairman Moynihan reminded County Board Supervisors to fill out the Brown County Housing Authority documents that they were presented prior to the evening’s meeting.

**No. 8 -- OTHER REPORTS.   None.**

**No. 9 --           STANDING COMMITTEE REPORTS:**

**No. 9a --           REPORT OF ADMINISTRATION COMMITTEE OF SEPTEMBER 7, 2016**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **ADMINISTRATION COMMITTEE** met in regular session on September 7, 2016 and recommends the following:

1. Distribution and Configuration of Supervisor iPads to Administration Committee Members. *No action needed.*
2. Review minutes of Housing Authority (July 18, 2016). Receive and place on file.
3. Communication from Supervisor Erickson re: Discussion and possible action requiring department heads to keep County Board Resolution binder along with internal policy binder to ensure County Board policies are followed, and present them yearly to Administration to ensure compliance. Receive and place on file.
4. Communication from Supervisor Campbell to establish a Personnel Committee for Brown County. Receive and place on file.
5. Communication from Supervisor Van Dyck re: Change the health insurance benefit year from a calendar year 01/01-12/31 to a fiscal year 03/01-02/28. Refer to Human Resources to get the feedback of implications of such a change.
6. Communication from Supervisor Lefebvre re: That all further employee termination investigations by HR, all questions be typed, recorded or videotaped. Refer to Human Resources for standardization of future employee termination investigations: policies, questions, etc.
7. Brown County Financial Statement Results – Levy Funded Departments as of July 2016. Receive and place on file.
8. Initial Resolution Authorizing the Issuance of Not to Exceed \$1,970,000 General Obligation Promissory Notes of Brown County, Wisconsin in One or More Series at One or More Times. To approve. See Resolutions and Ordinances.
9. Initial Resolution Authorizing the Issuance of Approximately \$6,070,000 General Obligation Corporate Purpose Refunding Bonds of Brown County, Wisconsin. To approve. See Resolutions and Ordinances.
10. HR - Budget Status Financial Report for July 2016. Receive and place on file.
11. HR - Turnover Report. Receive and place on file.
12. HR - Department Vacancies Report. Receive and place on file.
13. HR - Position Approval Lists. Receive and place on file.
14. HR - Resolution Approving a RFP for a Classification and Compensation Study with Arthur J. Gallagher & Co. and a Budget Adjustment to use General Fund Balance to cover the expense. To approve. See Resolutions and Ordinances.
15. Human Resources Report. Receive and place on file.
16. Treasurer - Budget Performance Report for the period of July 2016. Receive and place on file.
17. Treasurer - Discussion – Action Treasurer’s Office Items as follows:
  - a. 2017 Municipal Tax Collection Agreement - Revised. To adopt this policy as proposed by the Treasurer with the addition that the municipality could opt out. Carried 3 to 2.



- b. Policy for Handling Tax Overpayments. *No action taken.*
- 18. Child Support - Budget Status Financial Report for July 2016. Receive and place on file.
- 19. Child Support - Departmental Opening Summary. Receive and place on file.
- 20. Child Support - Director Summary. Receive and place on file.
- 21. Technology Services - Budget Status Financial Report for July 2016. Receive and place on file.
- 22. Technology Services - Budget Adjustment Request (16-80): Any increase in expenses with an offsetting increase in revenue. To approve.
- 23. Technology Services - Technology Services Monthly Report. Receive and place on file.
- 24. Dept. of Admin - Budget Status Financial Report for July 2016. Receive and place on file.
- 25. Dept. of Admin - Departmental Opening Summary. Receive and place on file.
- 26. Dept. of Admin - 2016 Budget Adjustment Log. Receive and place on file.
- 27. Dept. of Admin - Director's Reports. Receive and place on file.
- 28. Audit of bills. To pay the bills.

A motion was made by Supervisor Schadewald and seconded by Supervisor Dantine "to **adopt**". Supervisor Schadewald requested that item #17a be taken separately. Voice vote taken on remainder of report. Motion carried unanimously with no abstentions.

Item #17a -- 2017 Municipal Tax Collection Agreement - Revised. To adopt this policy as proposed by the Treasurer with the addition that the municipality could opt out. Carried 3 to 2

A motion was made by Supervisor Schadewald and seconded by Supervisor Zima "**to not support the offered policy.**" Brown County Treasurer Paul Zellar addressed the Board and answered questions of the Board regarding the proposal. Following this discussion, a roll call vote was taken on Supervisor Schadewald's motion.

Roll call #17a(1):

Ayes: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Clancy, Campbell, Moynihan, Schadewald, Lund

Nays: Kneiszel, Becker

Excused: Blom

Total Ayes: 23      Total Nays: 2      Total Excused: 1

Motion carried.

**No. 9b -- REPORT OF EDUCATION & RECREATION COMMITTEE OF AUGUST 25, 2016.**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **Education and Recreation Committee** met in regular session on August 25, 2016 and recommends the following:

1. Review Minutes of:
  - a. Library Board (June 16, 2016 and June 21, 2016). To approve.
  - b. Neville Public Museum Governing Board (July 11, 2016 and August 8, 2016). To approve.
2. Communication from Supervisor Schadewald re: This letter is my request for consideration of either temporary and/or permanent artwork to be displayed outside of the Veteran's Memorial Arena. My hope is that local artists can submit appropriate artwork for consideration to display. Hold for one month.
3. Communication from Supervisor Erickson re: Discussion and possible action requiring department heads to keep County Board Resolution binder along with internal policy binder to ensure County Board policies are followed, and present them yearly to Administration to ensure compliance. Receive and place on file.
4. Communication from Supervisor Dantine re: To have Administration look into the cost and feasibility to demo the arena, sell the library downtown and sell the museum and build a facility at the arena site to accommodate all the venues, new arena, library, and museum. Receive and place on file.
5. Museum Budget Status Financial Report for June and July 2016 (Unaudited). Receive and place on file.
6. Museum Director's Report. Receive and place on file.
7. Golf Course - Budget Status Financial Reports for June and July 2016 (Unaudited). Receive and place on file.
8. Golf Course - Superintendent's Report. Receive and place on file.
9. Park Mgmt. - Budget Status Financial Report for June 2016 (Unaudited). Receive and place on file.
10. Park Mgmt. - Approval of 2016 hunting dates and seasons in the Parks. To approve.
11. Park Attendance and Field Staff Reports for June 2016. Receive and place on file.
12. Park Mgmt. - Ordinance to Amend Chapters 8 and 30 of the Brown County Code Entitled, Respectively, as "Parks and Recreation Facilities" and "Public Health, Safety, Welfare, and Protection". To approve the ordinance to amend Chapters 8 and 30 of the Brown County Code. See Resolutions and Ordinances.
13. Park Mgmt. - Assistant Director's Report. Receive and place on file.
14. NEW Zoo - Budget Status Financial Reports for June 2016 (Unaudited). Receive and place on file.
15. NEW Zoo - 2017 Executive Bonding Proposal and Capital Improvements Program including Non Bonding Requests. To approve.
16. NEW Zoo - Director's Report and ZOO Monthly Activity Reports. Receive and place on file.
17. NEW Zoo - Resch Centre/Arena/Shopko Hall— Complex Attendance for Veterans Memorial Complex for July 2016. Receive and place on file.
18. Audit of bills. To pay the bills.

A motion was made by Supervisor Schadewald and seconded by Supervisor Zima **"to adopt"**. Supervisor Van Dyck requested that item #2 be taken separately. Voice vote taken on remainder of report. Motion carried unanimously with no abstentions.

Item #2 -- Communication from Supervisor Schadewald re: This letter is my request for consideration of either temporary and/or permanent artwork to be displayed outside of the Veteran's Memorial Arena. My hope is that local artists can submit appropriate artwork for consideration to display. Hold for one month.

A motion was made by Supervisor Erickson and seconded by Supervisor Zima “**to receive and place on file.**” Voice vote taken. Motion carried with no abstentions.

**No. 9c -- REPORT OF EXECUTIVE COMMITTEE OF SEPTEMBER 12, 2016.**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **EXECUTIVE COMMITTEE** met in regular session on September 12, 2016 and recommends the following:

1. Review Minutes of:
  - a. LEAN – Brown County Continuous Improvement Steering Committee (July 7, 2016). Receive and place on file.
2. Review and Possible Action on Legal Bills to be paid. To approve.
3. Communication from Supervisors Sieber and Linssen to ask the Brown County District Attorney's office to investigate violations of closed sessions and/or the dissemination of classified information. *July motions: To refer to Corporation Counsel to draft a policy re: violation of closed session confidentiality and identify possible penalties and bring back. Carried 5 to 2; Motion to refer the current complaint to the Ethics Board for review. Hold for 90 days.*
4. Communication from Supervisor Van Dyck re: Rescind the amendment to Sections 4.92 and 4.93 of Chapter 4 of the Brown County Code entitled “Grievance Procedure” made by the County Board in 2014. *Motion at July Exec: To refer this to Corporation Counsel to redraft showing all grievances going back to the full County Board including the reference in 4.94. Hold until the Chapter 4 re-write update is provided.*
5. Communication from Supervisor Erickson re: Jail Overcrowding. After discussions with Sheriff John Gossage and Judge Don Zuidmulder I am proposing to have a judge or court commissioner work a few hours on Saturday to review the case load that comes in on the weekend so arrangements can be made to release a percentage of those arrested to lighten the jail capacity on weekends. Judge Zuidmulder and Sheriff Gossage both have concluded that this is a good idea and would provide some capacity relief. Refer to Criminal Justice Coordinating Board.
6. Communication from Supervisor Van Dyck re: Change the health insurance benefit year from a calendar year 01/01-12/31 to fiscal year 03/01-02/28. Refer to staff.
7. Communication from Supervisor Buckley re: To have the Treasurer bring the Haven Place parcel that was recently taken due to back taxes before disposal of the property. Receive and place on file Item 7. Carried 6 to 1.
8. Communication from Supervisor Schadewald re: This communication is my request for the Public Safety Committee to propose a resolution to send to the WI State Legislators and the Governor voicing our support to provide benefits similar to our U.S. armed forces to our public safety personnel who are killed in the line of duty. Receive and place on file.
9. Resolution Adopting Brown County's 2017 Five-Year Capital Improvement Plan. To approve. Carried 5 to 2.
10. An Ordinance Creating Section 4.57(5) of the Brown County Code Entitled, “Overtime Compensation for Non-Exempt Employees of the Airport & Highway Department. To amend Section 1 (5) to read as follows, “Overtime Compensation for Non-Exempt Employees of the Airport & Highway Department. Non-exempt employees of the Airport and Highway Department shall receive one and one half (1.5) times their regular hourly

rate of pay for all hours worked outside the established workday and/or the established workweek set by the Department Head so long as consistent with governing law, including the Federal Fair Labor Standards Act and the state's wage and hour laws" and then send to HR for cost estimates and recommendations and bring back next month.

See Resolutions and Ordinances.

11. An Ordinance to Amend Sections 4.49 and 4.57 of the Brown County Code of Ordinances Entitled, Respectively, as "Extra Pay" and "Policy". To hold 30 days.
12. Resolution re: The Position of Chief Deputy in the Sheriff's Department. To strike the sentence in the fifth Whereas that reads "Other positions in this pay grade included the Airport Director, Director of Port and Resource Recovery, Director of Public Safety Communications and the Zoo Director and to strike the sixth Whereas in its entirety. See Resolutions and Ordinances.
13. Resolution Approving a RFP for a Classification and Compensation Study with Arthur J. Gallagher & Co. and a Budget Adjustment to use General Fund Balance to cover the expense. To approve. Carried 6 to 1. See Resolutions and Ordinances.
14. Initial Resolution Authorizing the Issuance of Not to Exceed \$1,970,000 General Obligation Promissory Notes of Brown County, Wisconsin in One or More Series at One or More Times. To approve. See Resolutions and Ordinances.
15. Initial Resolution Authorizing the Issuance of Approximately \$6,070,000 General Obligation Corporate Purpose Refunding Bonds of Brown County, Wisconsin. To approve. Carried 6 to 1. See Resolutions and Ordinances.
16. Brown County Financial Statement Results–Levy Funded Departments as of June 2016.
  - i. To suspend the rules to take Items 16 & 17 together.
  - ii. To approve Items 16 & 17.
17. Brown County Financial Statement Results – Levy Funded Departments as of July 2016. See Item 16.
18. Internal Auditor Report.
  - a. Presentation of the 2015 Comprehensive Annual Financial Report (previously distributed), Federal Awards and State Financial Assistance Report and Management Communications (to be distributed) by David Maccoux, Schenck, SC. *Item was struck from agenda.*
  - b. Discussion – City of Green Bay Personnel Committee.
    - i. City of Green Bay Personnel Committee.
    - ii. Brown County Chapter 4 – Personnel Rules and Regulations. Refer to Administration Committee and Human Resources Department for review and recommendations.
  - c. Board of Supervisors Budget Status Financial Report – July 2016 (Unaudited). Receive and place on file.
  - d. Monthly Status Update: August 1 – August 31, 2016. Receive and place on file.
19. Treasurer - ACTION - Review and approval or rejection of bids/selling prices for tax deed properties:  
(Bid results of 9-7-16).
 

Parcel #	Municipality	Address	Starting Bid	High Bid	#of Bids
21-1449	City of Green Bay	216 Quinton St.	\$ 5,075	\$ 3,000	12

To approve the bid by Tom Didier in the amount of \$5,075 for Parcel 21-1449.

  - b) City of Green Bay Redevelopment Authority considering the following 3 parcels:
    - i) Green Bay Parcel 8-156 at 1409 Elm St.  
Municipal cost = \$ 1,496.42 (TIP) + approx. \$ 275.00 2016 taxes  
Special Assessment, Special Interest & Penalty due = \$ 7,501.71.  
To suspend the rules to take Items 19 bi, ii & iii together.
    - ii) Green Bay Parcel 6-475 at 1634 Sixth St.  
Municipal cost = \$ 14,554.98 (TIP) + approx. \$ 800.00 2016 taxes

- Special Assessment, Special Interest & Penalty due = \$ 17,705.01.
- iii) Green Bay Parcel 14-309 at 115 S Van Buren St.  
Municipal cost = \$ 21,959.84 (TIP) + approx. \$ 1,000.00 2016 taxes  
Special Assessment, Special Interest & Penalty due = \$ 143,519.25.  
To approve Items 19 bi, ii & iii.
- c) Brown County intra-County transfer purchase being considered for parcel:  
Hobart Parcel HB-855-3 at 973 Haven Place  
County cost = \$ 72,902.56 (TIP) + approx. \$ 7,700 2016 taxes\*  
Special Assessment, Special Interest & Penalty due = \$ 26,775.73.  
\*The current assessed valuation of \$401,800 will result in a 2016 tax bill in the ballpark of \$ 7,700 due 1-31-2017 because the parcel was taxable on January 1, 2016.  
That the Executive Committee approve the interdepartmental transfer from the Treasurer's Department to Port and Resource Recovery for \$107,378.29 contingent upon the approval of the \$107,378.29. Carried 5 to 2.
- d) Parcel 21-1293-2 at 1739 Main St. – Discussion – Direction to Proceed.  
To hold for 30 days and direct Treasurer Zeller to go back to the two parties and seek an offer if they are interested.
20. Human Resources Report. Receive and place on file.
21. County Executive Report - Budget Status Financial Report for July 2016. Receive and place on file.

A motion was made by Supervisor Evans and seconded by Supervisor Hoyer “**to adopt**”.  
Voice vote taken. Motion carried unanimously with no abstentions.

**No. 9d -- REPORT OF HUMAN SERVICES COMMITTEE OF AUGUST 24, 2016.**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **HUMAN SERVICES COMMITTEE** met in regular session on August 24, 2016 and recommends the following:

1. Review Minutes of:
  - a) Children With Disabilities Education Board (August 9, 2016). Receive and place on file.
  - b) Mental Health Ad Hoc Committee (April 15, 2016). Receive and place on file.
  - c) Veterans' Recognition Subcommittee (July 19, 2016). Receive and place on file.
2. Communication from Supervisor Schadewald re: This communication is my request that the annual payment from Duke Energy for the Shirley Wind Project be placed in a segregated fund in the 2017 budget under the Health Dept. for use in a study of health effects of wind turbines on residents of Brown County. To return the funds to the Human Services budget under the Health Department.
3. Communication from Supervisor Erickson re: Discussion and possible action requiring department heads to keep County Board Resolution binder along with internal policy binder to ensure County Board policies are followed, and present them yearly to Administration to ensure compliance. To have Department Heads review County Board policies and ordinances and have a general review by the end of the year.

4. Wind Turbine Update - Update for Environmental Division on complaint process. *No action taken.*
5. Wind Turbine Update - Cost of peer review. To hold for one month.
6. Wind Turbine Update - Questions for Attorney General. To hold for one month.
7. Wind Turbine Update - Receive new information. *No action taken.*
8. Hum Svc Dept. - Examine scheduling issues at Community Treatment Center – *standing item per motion at April, 2016 meeting. Bring this back when the report is done.*
9. Hum Svc Dept. - Executive Director's Report. Receive and place on file.
10. Hum Svc Dept. - Financial Report for Community Treatment Center and Community Programs. Receive and place on file.
11. Hum Svc Dept. - Statistical Reports.
  - a) CTC Staff – Double Shifts Worked. To suspend the rules and take Items 11 a-d together.
  - b) Monthly CTC Data – Bay Haven Crisis Diversion/Nicolet Psychiatric Hospital. See 11d.
  - c) Child Protection – Child Abuse/Neglect Report. See 11d.
  - d) Monthly Contract Update. Receive and place on file Items 11a-d.
12. Hum Svc Dept. - Request for New Non-Continuous Vendor and New Vendor Contract. To approve.
13. Audit of bills. To pay the bills.

A motion was made by Supervisor Evans and seconded by Supervisor Nicholson **“to adopt”**. Voice vote. Motion carried unanimously with no abstentions.

**No. 9e -- REPORT OF PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE OF AUGUST 22, 2016.**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE** met in regular session on August 22, 2016 and recommends the following:

1. Review minutes of:
  - a. Board of Adjustment (July 18, 2016). Receive and place on file.
  - b. Harbor Commission (May 9, 2016). Suspend the rules to take Items 1 b, c & d together.
  - c. Planning Commission Board of Directors (June 1, 2016). See 1d.
  - d. Solid Waste Board (May 16, 2016). Receive and place on file Items 1 b, c & d.
2. Communication from Supervisor Bernie Erickson re: Holiday pay equal to scheduled hours for week. Example: 8 hours work equals 8 hours holiday pay; 10 hours work equals 10 hours holiday pay. To approve and send to Human Resources and/or Corporation Counsel to make appropriate ordinance changes to Chapter 4 and bring back to PD&T Committee in September.
3. Planning Commission - Update regarding development of the Brown County Farm property – standing item. Receive and place on file.
4. Planning Commission - Budget Status Financial Report for July 2016 (Unaudited). Receive and place on file.
5. Planning Commission - PUBLIC HEARING – 6:30 p.m. to obtain public comment regarding proposed repeal and recreation.

- a. Amendment to Chapter 21 – Land Division and Subdivision Ordinance. To approve the amendment to Chapter 21. See Resolutions and Ordinances.
6. Zoning - PUBLIC HEARING – 6:30 p.m.
  - a. Chapter 22 Brown County Shoreland and Wetlands Ordinance. To accept changes to Chapter 22. See Resolutions and Ordinances.
7. Zoning - Budget Status Financial Report for July 2016 (Unaudited). Receive and place on file.
8. Property Listing - Budget Status Financial Report for July 2016 (Unaudited). Receive and place on file.
9. UW-Extension - Budget Status Financial Report for July 2016 (Unaudited). Receive and place on file.
10. UW-Extension - Director's Report. To hold until Judy Knudsen arrives.
11. Airport - Budget Status Financial Report for July 2016 (Unaudited). Receive and place on file.
12. Airport - Departmental Opening Summary. Receive and place on file.
13. Airport - Discussion and action re: Demolition Bids – Old Flight Services Building. To accept the bid for Badgerland Demolition & Earthwork, Inc. for a sum not to exceed \$68,500.
14. Airport - Discussion and action re: Demolition Bids – Runway Tavern Demolition. To approve Excess Excavating for \$44,570.
15. Airport - Director's Report. Receive and place on file.
16. Ref from July County Board - An Ordinance to Amend Sections 4.49 and 4.57 of the Brown County Code of Ordinances Entitled, Respectively, as "Extra Pay" and "Policy". To hold until September PD&T meeting. See Resolutions and Ordinances.
17. Public Works - Summary of Operations. Receive and place on file.
18. Public Works - Director's Report. Receive and place on file.
19. Public Works - CTH MM Speed Limit Report. To hold for 60 days with increase in sheriff coverage.
20. Public Works - Update regarding potentially reducing the speed on Dutchman Road to 45 miles per hour. To combine Items 19 & 20 into one agenda item and hold for 60 days.
21. Public Works - Report & Discussion re: Housekeeper Turnover - Department Vacancies Report as of June 2016. To hold for 30 days.
22. Public Works - An Ordinance creating Section 4.57(5) of the Brown County Code entitled "Overtime Compensation for Non-Exempt Employees of the Airport & Highway Department. To approve and send to Executive Committee with the fiscal impact language from the submission form and place it on the bottom of the actual ordinance. See Resolutions and Ordinances.
23. Reg. of Deeds - Budget Status Financial Report for July, 2016. *No action taken.*
24. Reg. of Deeds - Departmental Opening Summary. *No action taken.*
25. Audit of bills. *No action taken.*

A motion was made by Supervisor Sieber and seconded by Supervisor Landwehr **"to adopt"**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 9ei -- REPORT OF LAND CONSERVATION SUBCOMMITTEE OF AUGUST 22, 2016.**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **LAND CONSERVATION SUBCOMMITTEE** met in regular session on August 22, 2016 and recommends the following:

1. Departmental Openings Summary. Receive and place on file.
2. Budget Status Financial Report for July 2016 (Unaudited). Receive and place on file.
3. Budget Adjustment Request (#16-71): Any increase in expenses with an offsetting increase in revenue. To approve.
4. Cost share Funds Transfer Agreement with Shawano County. To approve.
5. Director's Report:
  - a. Land & Water Plan Review. Receive and place on file.

A motion was made by Supervisor Dantinne and seconded by Supervisor Landwehr “**to adopt**”. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 9eii -- REPORT OF SPECIAL PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE OF SEPTEMBER 21, 2016.**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

The **PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE** met in special session on September 21, 2016 and recommends the following:

1. Initial Resolution Authorizing the Issuance of Not to Exceed \$1,970,000 General Obligation Promissory Notes of Brown County, Wisconsin in One or More Series at One or More Times. *Motion pending Special September 21, 2016 meeting. Motion to approve. Voice vote taken. Motion carried unanimously.*
2. Initial Resolution Authorizing the Issuance of Approximately \$6,070,000 General Obligation Corporate Purpose Refunding Bonds of Brown County, Wisconsin. *Motion pending Special September 21, 2016 meeting. Motion to approve. Voice vote taken. Motion carried unanimously.*
3. Port & Resource Recovery – Budget Adjustment Request (16-84): Reallocation between two or more departments, regardless of amount – Transfer of 973 Haven Place from Treasurer's Office to Port & Resource Recovery Department. *Motion pending Special September 21, 2016 meeting Motion to approve purchase for \$99,678.29 plus 2016 taxes plus interest. Voice vote taken. Motion carried 3 to 2.*

A motion was made by Supervisor Kaster and seconded by Supervisor Evans “**to adopt**”. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 9f -- REPORT OF PUBLIC SAFETY COMMITTEE OF SEPTEMBER 7, 2016.**

TO THE MEMBERS OF THE BROWN  
COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:



The **PUBLIC SAFETY COMMITTEE** met in regular session on September 7, 2016 and recommends the following:

1. Review minutes of:
  - a. Criminal Justice Coordinating Board (June 9, 2016). See 1b.
  - b. Fire Investigation Task Force Board of Directors (June 9, 2016). Receive and place on file Items 1 a & b.
2. Communication from Supervisor Kaster re: Review the new Medical Examiner/Forensic Pathologist Department operation and relationship with funeral homes – include input from funeral homes. Receive and place on file.
3. Communication from Supervisor Schadewald re: This communication is my request for the Public Safety Committee to propose a resolution to send to the WI State Legislators and the Governor voicing our support to provide benefits similar to our U.S. armed forces to our public safety personnel who are killed in the line of duty. To forward to Executive Committee.
4. Communication from Supervisor Erickson re: Discussion and possible action requiring department heads to keep County Board Resolution binder along with internal policy binder to ensure County Board policies are followed, and present them yearly to Administration to ensure compliance. To send this to Human Resources to develop a repository of policies for department heads, staff and the public and report to Administration Committee.
5. Communication from Supervisor Erickson re: Jail Overcrowding. After discussions with Sheriff John Gossage and Judge Don Zuidmulder I am proposing to have a judge or court commissioner work a few hours on Saturday to review the case load that comes in on the weekend so arrangements can be made to release a percentage of those arrested to lighten the jail capacity on weekends. Judge Zuidmulder and Sheriff Gossage both have concluded that this is a good idea and would provide some capacity relief. To forward this to the Criminal Justice Coordinating Board.
6. Communication from Supervisor Buckley re: Request that the Human Services Director attend the next Public Safety meeting to explain how an inmate escaped from the secure portion of the CTC Center. To hold for one month.
7. Resolution to Approve Legislation Allowing Counties to Seize Drunk Drivers' Vehicles. To refer to the Clerk of Courts to obtain the numbers requested.
8. Initial Resolution Authorizing the Issuance of Not to Exceed \$1,970,000 General Obligation Promissory Notes of Brown County, Wisconsin in One or More Series at One or More Times. To approve. See Resolutions and Ordinances.
9. Initial Resolution Authorizing the Issuance of Approximately \$6,070,000 General Obligation Corporate Purpose Refunding Bonds of Brown County, Wisconsin. *No action taken.* See Resolutions and Ordinances.
10. Circuit Courts, Commissioners, Probate - Budget Status Financial Report for July 2016. Receive and place on file.
11. Circuit Courts, Commissioners, Probate - Discussion and possible formation of an OWI Court – Judge Zuidmulder. To have Judge Zuidmulder come back in December with additional information.
12. Sheriff - Budget Status Financial Report for July 2016. Receive and place on file.
13. Sheriff - Resolution re: The position of Chief Deputy in the Sheriff's Department. To approve. Carried 4 to 1. See Resolutions and Ordinances.
14. Sheriff's Report. Receive and place on file.
15. District Attorney - 2017 Executive Bonding Proposal and Capital Improvement Program (CIP). Receive and place on file.
16. District Attorney Report. Receive and place on file.

17. Medical Examiner - Budget Status Financial Report for July 2016. Receive and place on file.
18. Medical Examiner - 2016 Brown County Medical Examiner Activity Spreadsheet. Receive and place on file.
19. Emergency Mgmt. - Budget Status Financial Report for July 2016. Receive and place on file.
20. Emergency Mgmt. - Director's Report. Receive and place on file.
21. Public Safety Communications - Budget Status Financial Report for July 2016. Receive and place on file.
22. Public Safety Communications - Directors Report. Receive and place on file.
23. Clerk of Courts - Budget Status Financial Report for July 2016. Receive and place on file.
24. Audit of bills. To pay the bills.

A motion was made by Supervisor Nicholson and seconded by Supervisor Buckley **"to adopt"**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 10 -- Resolutions, Ordinances:**

**Budget Adjustments Requiring County Board Approval**

**No. 10a -- RESOLUTION APPROVING BUDGET ADJUSTMENTS TO VARIOUS DEPARTMENT BUDGETS**

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, within the past 30 days departments have submitted the following adjustments to their departmental budgets that, per Wisconsin State Statutes, require approval by a 2/3 vote of the full County Board:

- |   |  |                          |
|---|--|--------------------------|
| 16-71<br>Land Con                       | The Land & Water Conservation Department received an additional \$125,000 donation through Ducks Unlimited to continue work within the West Shore Pike Project area through 2030. This award dictates that these funds must be allocated towards construction costs incurred by the landowner.                                   | <b>Amount: \$125,000</b> |
| 16-80<br>Technology<br>Services         | Increase BCCAN revenue and expense due to mandatory relocation of fiber utilities and digital infrastructure following Titledown District expansion in Ashwaubenon. All construction costs were reimbursed by Titledown District.  | <b>Amount: \$42,721</b>  |
| 16-84<br>Port &<br>Resource<br>Recovery | Transfer of 973 Haven Place property from Treasurer's office to Port & Resource Recovery Department. Back taxes in the amount of \$107,378.29 will be transferred from Port & Resource Recovery's Research & Development funds to Treasurer with \$24,397 payable to the Village of Hobart from past special assessment charges. | <b>Amount: \$107,379</b> |

and,

**WHEREAS**, these budget adjustments are necessary to ensure activities are appropriated and accounted for properly.

**NOW, THEREFORE, BE IT RESOLVED**, that the Brown County Board of Supervisors hereby approves the above listed budget adjustments.

*Fiscal Note: The fiscal impact is as described in each individual budget adjustment listed above.*

Respectfully submitted,

ADMINISTRATION COMMITTEE  
LAND CONSERVATION COMMITTEE  
PLANNING, DEVELOPMENT &  
TRANSPORTATION COMMITTEE

Approved By: /s/ Troy Streckenbach

Date: 09/28/16

Authored by Administration

Approved by Corporation Counsel's Office

A motion was made by Supervisor Hoyer and Seconded by Supervisor Brusky **“to adopt”**. Supervisor Sieber requested that resolution item 16-84 be taken separately from remainder of resolution. Voice vote taken on remainder of resolution. Motion carried with no abstentions.

Item 16-84 Port & Resource - Transfer of 973 Haven Place property from Treasurer's office to Port & Resource Recovery Department. Back taxes in the amount of \$107,378.29 will be transferred from Port & Resource Recovery's Research & Development funds to Treasurer with \$24,397 payable to the Village of Hobart from past special assessment charges. Amount: \$107,379.

Following discussion, a motion was made by Supervisor Erickson and seconded by Vice Chair Lund **“to approve”**. Roll call vote taken. (2/3 vote required.)

Roll Call 10a(1):

Ayes: Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Evans, Vander Leest, Dantine, Brusky, Ballard, Kaster, Linssen, Clancy, Campbell, Schadewald, Lund, Becker

Nays: Sieber, De Wane, Nicholson, Buckley, Landwehr, Van Dyck, Kneiszel, Moynihan

Excused: Blom

Total Ayes: 17      Total Nays: 8      Total Excused: 1

Motion carried.

## **ATTACHMENTS TO RESOLUTION #10A**

## **ON THE FOLLOWING PAGES**

16-71

## BUDGET ADJUSTMENT REQUEST

Category

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
  - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)
- ☐ 5 b) Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☒ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- ☐ 9 Any allocation from the County's General Fund

Approval Level

Dept Head

Director of Admin

County Exec

County Exec

Admin Committee

Oversight Comm  
2/3 County Board

Oversight Comm  
2/3 County Board

Oversight Comm  
2/3 County Board

Oversight Comm  
Admin Committee  
2/3 County Board

Justification for Budget Change:

The Land & Water Conservation Department received an additional \$125,000 donation through Ducks Unlimited to continue work within the West Shore Pike Project area through 2030. This award dictates that these funds must be allocated towards construction costs incurred by the landowner.

Budget Impact: \$125,000

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110 048.301 4901	Donations	\$125,000
<input checked="" type="checkbox"/>	<input type="checkbox"/>	110 048 301 5801	Landowner Payments	\$125,000
<input type="checkbox"/>	<input type="checkbox"/>			
<input type="checkbox"/>	<input type="checkbox"/>			

Michael S. Muchnicki  
Signature of Department Head

Department: Land & Water ConservationDate: 7/26/16

## AUTHORIZATIONS

[Signature] 8/1/16  
Signature of DOA or Executive  
Date: 8/1/16

Revised 4/1/14

10a

16-80

### BUDGET ADJUSTMENT REQUEST

#### Category

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
  - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)
- ☐ 5 b) Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.
- ☐ 6 Reallocation between two or more departments, regardless of amount
- ☒ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- ☐ 9 Any allocation from the County's General Fund

#### Approval Level

Dept Head

Director of Admin

County Exec

County Exec

Admin Committee

Oversight Comm  
2/3 County Board

Oversight Comm  
2/3 County Board

Oversight Comm  
2/3 County Board

Oversight Comm  
2/3 County Board

Oversight Comm  
Admin Committee  
2/3 County Board

#### Justification for Budget Change:

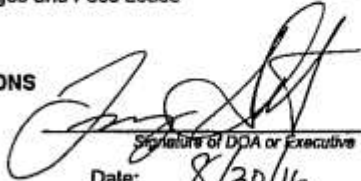
Increase BCCAN revenue and expense due to mandatory relocation of fiber utilities and digital infrastructure following Tilletown District expansion in Ashwaubenon. All construction costs were reimbursed by Tilletown District.

Amount: 42,721

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	670.022.001.6182.100	Construction	42,721
<input checked="" type="checkbox"/>	<input type="checkbox"/>	670.022.001.6110.900	Outlay Contra	42,721
<input checked="" type="checkbox"/>	<input type="checkbox"/>	670.022.001.4600.560	Charges and Fees Lease	42,721
<input type="checkbox"/>	<input type="checkbox"/>			

  
Signature of Department Head  
Department: Browns Tech Services  
Date: 8/29/2016

#### AUTHORIZATIONS

  
Signature of DOA or Executive  
Date: 8/30/16

mw  
8/24/16

Revised 4/1/14

10a

16-84

## BUDGET ADJUSTMENT REQUEST

### Category

- ☐ 1 Reallocation from one account to another in the same level of appropriation
- ☐ 2 Reallocation due to a technical correction that could include:
- Reallocation to another account strictly for tracking or accounting purposes
  - Allocation of budgeted prior year grant not completed in the prior year
- ☐ 3 Any change in any item within the Outlay account which does not require the reallocation of funds from another level of appropriation
- ☐ 4 Any change in appropriation from an official action taken by the County Board (i.e. resolution, ordinance change, etc.)
- ☐ 5 a) Reallocation of up to 10% of the originally appropriated funds between any levels of appropriation (based on lesser of originally appropriated amounts)
- ☐ 5 b) Reallocation of more than 10% of the funds original appropriated between any of the levels of appropriation.
- ☒ 6 Reallocation between two or more departments, regardless of amount
- ☐ 7 Any increase in expenses with an offsetting increase in revenue
- ☐ 8 Any allocation from a department's fund balance
- ☐ 9 Any allocation from the County's General Fund

### Approval Level

Dept Head  
Director of Admin  
  
County Exec  
  
County Exec  
  
Admin Committee  
  
Oversight Comm  
2/3 County Board  
  
Oversight Comm  
2/3 County Board  
  
Oversight Comm  
2/3 County Board  
  
Oversight Comm  
Admin Committee  
2/3 County Board

### Justification for Budget Change:

Transfer of 973 Haven Place property from Treasurer's office to Port & Resource Recovery Department. Back taxes in the amount of \$107,378.29 will be transferred from Port & Resource Recovery's Research & Development funds to Treasurer with \$24,397 payable to the Village of Hobart from past special assessment charges.

Amount - \$107,379

Increase	Decrease	Account #	Account Title	Amount
<input checked="" type="checkbox"/>	<input type="checkbox"/>	655.079.001.6110	Outlay - Resource Recovery	107,379
<input checked="" type="checkbox"/>	<input type="checkbox"/>	655.079.001.6110.900	Outlay Contra - Resource Recovery	107,379
<input type="checkbox"/>	<input checked="" type="checkbox"/>	655.3000	Fund Balance - Resource Recovery	107,379
<input checked="" type="checkbox"/>	<input type="checkbox"/>	650.078.001.9003	Transfer Out - Resource Recovery	107,379
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.080.001.9002	Transfer In - Treasurer	107,379
<input checked="" type="checkbox"/>	<input type="checkbox"/>	100.080.001.5810	Tax Deed Expense - Treasurer	107,379

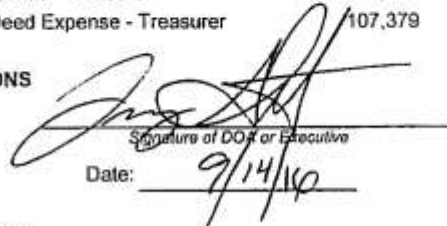
### AUTHORIZATIONS

  
Signature of Department Head

Department: Port & Resource Recovery

Date: 9-14-16

Paul Zeller, Brown County TREASURER  
9-14-16

  
Signature of Director of Admin or Executive  
Date: 9/14/16

Revised 4/15/14

10a

(No. 10b-10c were taken after Item #1)

**Administration and Executive Committee**

**No. 10d -- RESOLUTION APPROVING A RFP FOR A CLASSIFICATION AND  
COMPENSATION STUDY WITH ARTHUR J. GALLAGHER & CO. AND A  
BUDGET ADJUSTMENT TO USE GENERAL FUND BALANCE TO COVER  
THE EXPENSE**

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, on February 8, 2016 the Executive Committee unanimously instructed the Human Resources Department to issue the appropriate RFP in order to solicit the services of a compensation consultant to review the County's current classification & compensation study and to provide guidance on the proper structuring and implementation of the classification & compensation program including review of existing classification discrepancies. The current classification and compensation plan was adopted by the Board of Supervisors in May 2015, based on a study that began in 2013; and

**WHEREAS**, on March 7, 2016, the Human Resources Department submitted a draft scope of services for the requested RFP and the Executive Committee unanimously approved the scope of services as submitted; and

**WHEREAS**, on March 16, 2016, the Board of Supervisors voted to adopt the report of the Executive Committee of March 7, 2016; and

**WHEREAS**, the RFP for Brown County Employee Classification & Compensation Study, Project #2067 was issued by the Purchasing Department on April 21, 2016 and four (4) firms submitted proposals by the May 16, 2016 deadline with bids of \$57,375, \$112,000, \$240,000 and \$375,000; and

**WHEREAS**, a Scoring Team consisting of Supervisor Van Dyck, originator of the communication of February 8, 2016, the Director of Human Resources, Director of Administration, Director of Child Support, Finance Director and HR Analyst worked with Purchasing from June 8, 2016 to August 8, 2016 to review and rate each proposal; and

**WHEREAS**, Arthur J. Gallagher, whose bid amount was \$112,000, was competitively selected as the firm to be recommended to the County Board for approval; and

**WHEREAS**, this RFP was not budgeted in 2016, but a thorough compensation and classification study and analysis of the County and those organizations that draw on a shared labor market is necessary to indicate the County's current position and its ability now and in the future to recruit and retain talented employees to provide quality services to the County. It is expected that the study will indicate what actions should be taken, if any, to avoid loss of qualified staff and difficulties in recruiting new employees for County employment, while competitively compensating its current employees. In addition, it is expected that the study will recommend adjustments to the County's pay plan rules, policies, and salary structure, including variable/incentive pay options, to allow appropriate compensation, to account for employee's service, special achievements, or to rectify compression/equity issues. Finally, the study will

also address the more than 70 appeals pending regarding the current classification and compensation plan and the numerous unfilled complaints (over 400 appealed the plan through 90 justifications); and

**WHEREAS**, in order to proceed with an Intent to Award with Arthur J. Gallagher, which is in the best interest of the County, \$112,000 needs to be appropriated from the General Fund.

**NOW, THEREFORE, BE IT RESOLVED**, the Brown County Board of Supervisors hereby appropriates ~~\$112,000~~ **up to \$105,000\*** from Unrestricted General Fund Balance to Arthur J. Gallagher for classification and compensation consulting.

*Fiscal Note: This resolution requires an appropriation from the General Fund of ~~\$112,000~~ **up to \$105,000\*** (2/3 Vote Required).*

**\*As amended by the County Board on September 21, 2016**

Respectfully submitted,  
ADMINISTRATION COMMITTEE &  
EXECUTIVE COMMITTEE

Approved By:           /s/ Troy Streckenbach           Date: 09/28/16

Authored by Human Resources Department  
Approved as to form by Corporation Counsel.

A motion was made by Supervisor Van Dyck and seconded by Supervisor Schadewald **“to approve the resolution with the following amendment: to strike \$112,000 and replace with ‘up to \$105,000’ in the NOW, THEREFORE, BE IT RESOLVED and to replace \$112,000 with ‘up to \$105,000’ in the fiscal impact statement”**.

Following discussion with Pete Bilski, Interim Human Resources Director, a motion was made by Supervisor Erickson and seconded by Supervisor Campbell **“to refer back to Executive Committee with intent of allocating funds for Human Resources”**. Voice vote taken.  
Motion failed.

Following, a roll call vote was taken to approve Supervisor Van Dyck’s proposed amendment to the resolution.

Roll Call #10d(1):

Ayes: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Vander Leest, Buckley, Landwehr, Brusky, Ballard, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Nays: Evans, Dantine, Kaster

Excused: Blom

Total Ayes: 22      Total Nays: 3      Total Excused: 1

Motion carried.



Following, a roll call vote was taken on Supervisor Van Dyck's original motion **"to approve with amendment"**.

Roll Call #10d(2):

Ayes: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Vander Leest, Buckley, Landwehr, Brusky, Ballard, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Nays: Nicholson, Erickson, Zima, Evans, Dantine, Kaster

Excused: Blom

Total Ayes: 19      Total Nays: 6      Total Excused: 1

Motion carried.

**ATTACHMENT TO RESOLUTION #10D**

**ON THE FOLLOWING PAGE**

HUMAN RESOURCES DEPARTMENT

Brown County

305 E. WALNUT STREET  
P.O. BOX 23600  
GREEN BAY, WI 54305-3600

*Fiscal Statement*



BRITTANY ZAEHRINGER

PHONE (920) 448-4071 FAX (920) 448-6277 WEB: [www.co.brown.wi.us](http://www.co.brown.wi.us)

HUMAN RESOURCES DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: August 30, 2016  
REQUEST TO: Administration and Executive Committees  
MEETING DATE: September 7<sup>th</sup> and 12<sup>th</sup> 2016  
REQUEST FROM: Brittany Zaehring  
Human Resources Director

REQUEST TYPE: ☒ New resolution ☐ Revision to resolution  
☐ New ordinance ☐ Revision to ordinance

TITLE: RESOLUTION APPROVING A RFP FOR A CLASSIFICATION AND COMPENSATION STUDY WITH ARTHUR J. GALLAGHER & Co. AND A BUDGET ADJUSTMENT TO USE GENERAL FUND BALANCE TO COVER THE EXPENSE

ISSUE/BACKGROUND INFORMATION:

The County has experienced many problems implementing the current classification and compensation plan (adopted May 2015), including 400+ employee appeals (90 justifications) and numerous unfilled complaints. 70 appeals are still pending.

ACTION REQUESTED:

Approve the award to Arthur J. Gallagher for classification and compensation consulting and appropriate General Fund Balance to cover the expense (~~\$112,000~~).

*4P To \$105,000*

FISCAL IMPACT:

**NOTE:** This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☒ Yes ☐ No Funding was not budgeted in the 2016 budget process.

a. If yes, what is the amount of the impact? *4P To \$105,000* ~~\$112,000~~

b. If part of a bigger project, what is the total amount of the project? \$ \_\_\_\_\_

c. Is it currently budgeted? ☐ Yes ☒ No

1. If yes, in which account? \_\_\_\_\_

2. If no, how will the impact be funded? Through the use of General Fund Balance.

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED

*10d*

## **Education & Recreation Committee**

### **No. 10e -- AN ORDINANCE TO AMEND CHAPTERS 8 AND 30 OF THE BROWN COUNTY CODE ENTITLED, RESPECTIVELY, AS "PARKS AND RECREATION FACILITIES" AND "PUBLIC HEALTH, SAFETY, WELFARE, AND PROTECTION"**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF BROWN DOES ORDAIN AS FOLLOWS:

**Section 1** – Section 8.035 of the Brown County Code entitled, "Smoking in Parks", is hereby created to read as follows:

(1) For purposes hereof, "Smoke" or "Smoking" shall refer to the igniting, burning, emitting, inhaling or exhaling of any plant, e-liquid, or other non-medically prescribed material, whether natural or synthetic, by way of a pipe, cigar, cigarette, vaporizer, hookah, electronic cigarette or other kind of non-medically prescribed inhalator device devoted thereto.

(2) No person shall be allowed to Smoke, ~~light a match or ignite any other flame producing device, whether for purposes of Smoking or otherwise,~~ while located:

a. Within any area of Fonferek's Glen County Park;

~~b. Within fifty (50) feet of any designated playground that is owned, operated or controlled by the Brown County Park Department;~~

~~c. Within fifty (50) feet of any enclosed or partially enclosed building that is owned, operated or controlled by the Brown County Park Department;~~

~~d. Within fifty (50) feet of any vending building or trailer that is owned, operated or controlled by the Brown County Park Department; or~~

~~e. Within fifty (50) feet of any designated program being conducted by, on behalf of or with permission from the Brown County Park Department on property owned, operated or controlled by the Brown County Park Department during which members of the public are visibly present.~~

**Section 2** – Subsection (7) of Section 8.15 of the Brown County Code entitled, "Food and Beverages", is hereby created to read as follows:

(7) No person shall transport, consume, or be in the possession of any alcoholic beverage, regardless of class or category, when entering into or while at any time located inside of Fonferek's Glen County Park.

**Section 3** – The "Schedule of Deposits – Local Brown County Ordinances" in Section 30.02 of the Brown County Code entitled, "Ordinance Enforcement by Citation", is hereby amended to add, directly under Ordinance Number 8.03(6) and Ordinance Number 8.15(5), as follows:

Ordinance Number	Offense	Deposit	Sec. 757.05(1)(a) 26% Penalty Asses.	Court Costs & Fee*	Jail Asses.	Total Cash Deposit
8.03(6)	Parks/Prevent or Interference with Public's Use of any Park	100.00	26.00	113.00	10.00	249.00
<u>8.035</u>	<u>Parks/Smoking in Parks</u>	<u>20.00</u>	<u>5.20</u>	<u>113.00</u>	<u>10.00</u>	<u>148.20</u>
8.15(5)	Parks/Fairgrounds During the Fair (Intoxicants)	20.00	5.20	113.00	10.00	148.20
<u>8.15(7)</u>	<u>Parks/Fonferek's Glen County Park (Intoxicants)</u>	<u>20.00</u>	<u>5.20</u>	<u>113.00</u>	<u>10.00</u>	<u>148.20</u>

**Section 4** – This “Ordinance to Amend Chapters 8 and 30 of the Brown County Code Entitled, Respectively, as ‘Parks and Recreation Facilities’ and ‘Public Health, Safety, Welfare, and Protection’” shall become effective upon passage and publication pursuant to law.

Respectfully submitted,  
EDUCATION & RECREATION  
COMMITTEE

Approved By:

/s/ Troy Streckenbach      09/28/2016  
COUNTY EXECUTIVE      (Date)

/s/ Sandra L. Juno      09/28/2016  
COUNTY CLERK      (Date)

/s/ Patrick Moynihan      09/28/2016  
COUNTY BOARD CHAIR      (Date)

Drafted by Brown County Parks Department/Corporation Counsel's Office  
Final Draft Approved by Corporation Counsel's Office

*Fiscal Impact. This Ordinance does not have a fiscal impact; and therefore does not require an appropriation from the General Fund.*

A motion was made by Supervisor Van Dyck and seconded by Supervisor Gruszynski **“to adopt”**.

Discussion by the board followed. Assistant Parks Manager Matt Kriese then was asked to answer questions regarding the motive and reasoning behind the motion. Following this discussion, a motion was made by Supervisor Linssen and seconded by Supervisor Gruszynski **“to amend the ordinance by removing items #2b-2e and striking ‘to light a match or ignite**

**any other flame producing device, whether for purposes of smoking or otherwise".** Roll call vote taken on amendment.

Roll Call #10e(1):

Ayes: De Wane, Nicholson, Gruszynski, Lefebvre, Erickson, Evans, Vander Leest, Buckley, Landwehr, Kaster, Linssen, Clancy, Campbell, Moynihan, Becker

Nays: Sieber, Hoyer, Zima, Dantine, Brusky, Ballard, Van Dyck, Kneiszel, Schadewald, Lund

Excused: Blom

Total Ayes: 15      Total Nays: 10      Total Excused: 1

Motion carried.

Roll call vote was then taken **to approve the ordinance as amended.**

Roll Call #10e(2):

Ayes: Sieber, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund

Nays: De Wane, Nicholson, Evans, Becker

Excused: Blom

Total Ayes: 21      Total Nays: 4      Total Excused: 1

Motion carried.

**ATTACHMENT TO #10E**  
**ON THE FOLLOWING PAGE**

PARK DEPARTMENT

Brown County

1150 BELLEVUE STREET, RM 151  
GREEN BAY, WI 54302  
PHONE (920) 448-4464 FAX (920)448-4054  
E-MAIL KRIESE\_MM@CO.BROWN.WI.US



MATTHEW M. KRIESE

ASSISTANT PARK DIRECTOR

**RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD**

**DATE:** 06-15-2016  
**REQUEST TO:** Education and Recreation Committee  
**MEETING DATE:** July 5<sup>th</sup> 2016  
**REQUEST FROM:** Matt Kriese

**REQUEST TYPE:** New resolution ☐ Revision to resolution  
x New ordinance ☐ Revision to ordinance

**TITLE:** Ban consumption or possession of any alcoholic beverages and smoking at Fonferek's Glen Co Park

**ISSUE/BACKGROUND INFORMATION:**

Fonferek's Glen has experienced issues related to illegal drug use, after-hours violations, littering, graffiti, among other violations. In order to eliminate this activity at the park, with respect to the steep cliffs and unique landscapes found within, it was determined this location shall have a ban on all possession and consumption of alcohol and smoking. If approved, the park security officer will monitor this ban and take enforcement action as necessary.

**ACTION REQUESTED:**

The Ed & Rec Committee requested an ordinance be created to ban alcohol and smoking. This ordinance shall be administered under the Chapter 8 Code of Ordinances.

**FISCAL IMPACT:**

**NOTE:** This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☐ Yes x No
  - a. If yes, what is the amount of the impact? \$\_\_\_\_\_
  - b. If part of a bigger project, what is the total amount of the project? \$\_\_\_\_\_
  - c. Is it currently budgeted? ☐ Yes ☐ No
    1. If yes, in which account? \_\_\_\_\_
    2. If no, how will the impact be funded? \_\_\_\_\_

☒ **COPY OF RESOLUTION OR ORDINANCE IS ATTACHED**

**Public Safety Committee**

**No. 10f -- RESOLUTION TO APPROVE LEGISLATION ALLOWING COUNTIES TO SEIZE DRUNK DRIVERS' VEHICLES**

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, the Public Safety Committee believes drunk driving is a serious problem throughout Wisconsin; and,

**WHEREAS**, the Public Safety Committee is seeking solutions to help deter drunk drivers; and,

**WHEREAS**, on December 22, 2009 the Wisconsin State Legislature repealed Section 346.65(6) allowing counties the ability to seize a motor vehicles that were used in an OWI offense and owned by the defendant; and,

**WHEREAS**, the Public Safety Committee believes County Judges should be able to use the seizures of vehicles as a deterrent.

**NOW, THEREFORE, BE IT RESOLVED** by the Brown County Board of Supervisors that the Wisconsin State Legislature draft and pass legislation allowing County Judges the ability to seize a defendant's vehicle if he or she is found guilty of operating a motor vehicle that is owned by said defendant while intoxicated.

**BE IT FURTHER RESOLVED** by the Brown County Board of Supervisors that the Brown County Clerk forward this resolution to Brown County's State Legislative Delegation for consideration.

*Fiscal Note: This resolution does not have a fiscal impact, and therefore does not require an appropriation from the General Fund.*

Respectfully submitted,  
PUBLIC SAFETY COMMITTEE

Approved By:           /s/ Troy Streckenbach          

Date: 09/28/16

Authored by Human Resources  
Approved by Corporation Counsel's Office

A motion was made by Supervisor Gruszynski and seconded by Supervisor Lefebvre "to adopt". Voice vote taken. Motion carried unanimously with no abstentions.

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD



BROWN COUNTY BOARD OF SUPERVISORS

305 E. WALNUT STREET  
P.O. BOX 23600  
GREEN BAY, WI 54305-3600

PHONE (920) 448-4037 FAX (920) 448-4036 WEB: www.co.brown.wi.us

**DATE:** 6/1/2016  
**REQUEST TO:** Public Safety Committee  
**MEETING DATE:** 7-6-2016  
**REQUEST FROM:** Andy Nicholson  
Public Safety Committee

**REQUEST TYPE:** ☒ New resolution ☐ Revision to resolution  
☐ New ordinance ☐ Revision to ordinance

**TITLE:** Seizure of OWI Vehicles

**ISSUE/BACKGROUND INFORMATION:**

Wants state statute changed to allow counties to seize vehicles from persons convicted of OWI.

**ACTION REQUESTED:**

Enabling Legislation, law change

**FISCAL IMPACT:**

**NOTE:** This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

2. Is there a fiscal impact? ☐ Yes ☒ No
- a. If yes, what is the amount of the impact? \$ \_\_\_\_\_
- b. If part of a bigger project, what is the total amount of the project? \$ \_\_\_\_\_
- c. Is it currently budgeted? ☐ Yes ☐ No
1. If yes, in which account? \_\_\_\_\_
2. If no, how will the impact be funded? \_\_\_\_\_

☒ **COPY OF RESOLUTION OR ORDINANCE IS ATTACHED**

County letter will be able to absorb the cost of printing and mailing the resolution to the Wisconsin State Delegation.



**Executive Committee**

**No. 10g -- RESOLUTION ADOPTING BROWN COUNTY'S 2017 FIVE-YEAR CAPITAL IMPROVEMENT PLAN**

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies & Gentlemen:

**WHEREAS**, Brown County has developed a Five-Year Capital Improvement Plan (CIP) for the period 2017 through 2021; and

**WHEREAS**, a Capital Improvement Plan is an excellent planning document to assist the County in realizing the goals of the plan and to provide a pathway for implementing those plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Brown County Board of Supervisors that the Brown County 2017 Five Year Capital Improvement Plan attached hereto be adopted.

Respectfully submitted,  
EXECUTIVE COMMITTEE

Final Draft Approved by Corporation Counsel  
Authored By: Department of Administration

Fiscal Note: This resolution does not require an appropriation from the County General Fund. The projects listed under 2017 in the attached Five-Year CIP will be included in the 2017 Proposed Budget for final approval. Projects listed under 2018-2021 will be reevaluated and updated every year and approved by inclusion in the annual CIP and budget process.

Approved By: /s/ Troy Streckenbach Date: 10/03/16

A motion was made by Vice Chair Lund and seconded by Supervisor Clancy **"to adopt"**. Roll call vote taken.

Roll Call #10g(1):

Ayes: Sieber, De Wane, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Vander Leest, Landwehr, Dantine, Brusky, Ballard, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Nays: Nicholson, Evans, Buckley, Kaster, Van Dyck

Excused: Blom

Total Ayes: 20 Total Nays: 5 Total Excused: 1

Motion carried.

**ATTACHMENTS TO #10G**  
**ON THE FOLLOWING PAGES**

# 2017 Capital Project 5-Year Outlook Summary

Executive Committee

As of 9/07/2016

Key for Funding Source: D = Debt Service G = Grants and Notes O = Operating Revenues M = Municipal Funds P = Property Tax QP = General Fund Fund Balance TR = Transfer Balances S = Stadium District Sales Tax Refund

## 2017 EXECUTIVE BONDING PROPOSAL AND CAPITAL IMPROVEMENTS PROGRAM (CIP)

DIVISION/DEPARTMENT	PROJECT TYPE	FUNDING SOURCE	DEPT. PRIORITY	PROJECT DESCRIPTION	2017	2018	2019	2020	2021	TOTAL
<b>PUBLIC SAFETY</b>										
Medical Examiner		D		Mortuary						5,000,000
Sheriff		D		New Jail Pod Phase 1A & 1B						16,855,470
Courts		D	2	B			282,619			282,619
				<b>Public Safety Bond Request Total</b>			282,619			22,138,089
<b>PLANNING, DEVELOPMENT, &amp; TRANSPORTATION</b>										
Planning and Land Services		D, TR	2	Blount County Research & Business Park						
Public Works										
		D	1	Courthouse Dome Replacement	1,790,000					1,790,000
		D	2	Courthouse Chaise Replacement		300,000				300,000
		D	3	Work Release Center Air Handling Unit Equipment Replacement		250,000				250,000
		D	4	Northern Building Exterior Window Replacement			400,000			400,000
		D	5	Law Enforcement Center Air Handling Unit Replacement					250,000	250,000
		D	2017.1	CTH D (Hickory Road to Barrington Drive) - Reconstruction	2,167,000					2,167,000
		D	2017.2	CTH D (High Street to Hickory Road) - Reconstruction	2,013,000					2,013,000
		D/G	2017.3	CTH HS (Glendale Ave to CTH B) - Surface Maintenance	2,332,000					2,332,000
		D/P	2017.6	CTH J (CTH M to Harbor Lights Rd) - Surface Maintenance	552,000					552,000
		D	2017.6	CTH Y (Shady Rd to Old 25) - Surface Maintenance	290,000					290,000
		D/P	2018.1	CTH Z (Hickory Rd to Old 25) - Reconstruction	175,000	1,715,000				1,890,000
		D/G/P	2018.2	CTH Z (Bridge Over East River) - Bridge Replacement	10,000	1,396,000				1,406,000
		D/P/M/G	2017.4 / 2019.4	CTH EA (Wallow Rd to STH 25) - Reconstruction	400,000		2,808,000			3,208,000
		D/G/P	2017.10	CTH Z (Day St to 800 South of Meadbrook Rd) - Reconstruction			5,090,000			5,090,000
		D/P	2017.13	CTH Z (800 South of Meadbrook Rd to Tiedt Rd) - Reconstruction	175,000					175,000
		D/P	2019.8	CTH H (Holmgren Way to Ashland Ave) - Reconstruction	465,000		4,459,000			4,924,000
		D/P/M/G	2020.6	CTH T (Pine Street to Highway Street) - Culvert Replacement	40,607			2,047,000		2,087,607
		D	2018.5	CTH G (CTH B to CTH Y) - Surface Maintenance		250,000				250,000
		D	2018.7	CTH T (CTH M to Rte) - Reconstruction		1,900,000				1,900,000
		D	2018.8	CTH T (CTH M to Rte) - Reconstruction		672,000				672,000
		D/P	2018.9	CTH T (CTH M to Rte) - Reconstruction		3,300,000				3,300,000
		D	2019.1	CTH EE (CTH U to CTH SE) - Surface Maintenance			360,000			360,000
		D	2019.2	CTH JJ (CTH V to Hiram Rd) - Surface Maintenance			310,000			310,000
		D	2019.3	CTH EB (CTH F to CTH EE) - Reconstruction			605,000			605,000

109

# 2017 Capital Project 5-Year Outlook Summary

Executive Committee

As of 9/07/2016

Key for Funding Source: D = District Services, G = Grants and Subsidies, O = Operating Revenues, M = Municipal Funds, P = Property Tax, SF = Special Fund, SF-B = Special Fund Balance, SF-T = TR District, B = Stadium District Sales Tax Refund

## 2017 EXECUTIVE BONDING PROPOSAL AND CAPITAL IMPROVEMENTS PROGRAM (CIP)

DIVISION/ DEPARTMENT	PROJECT TYPE	FUNDING SOURCE	PRIORITY	PROJECT DESCRIPTION	2017	2018	2019	2020	2021	TOTAL
Public Works (cont'd)										
2015-10		D/W		Southern Arterial (CH F to Lawrence Dr - Design, Survey)						
		D		Engineering			3,000,000		1,000,000	7,000,000
		D		CH IV (CH F to BUR Line Rd) - Surface Maintenance				3,000,000		250,000
		D		2020-2 CH IV (CH F to CH IV) - Reconstruction				250,000		550,000
		D/P		2020-3 CH W (County Line to STH 96) - Reconstruction				550,000		650,000
		D		2020-4 CH IV (STH 96 to CH W) - Reconstruction				4,000,000		4,000,000
		D		2021-1 CH J (CH F to CH C) - Reconstruction				2,470,000		2,470,000
		D		2021-2 CH IV (Hedden Road to STH 172 Ramapo) - Reconstruction					400,000	400,000
		D		2021-3 CH T (STH 54 to Caldwell Dr) - Reconstruction					400,000	400,000
		D		2021-4 CH DDD (CH D to French Rd) - Reconstruction					825,000	825,000
		D		2021-5 CH XX (CH O to RR Tracks) - Reconstruction					1,020,000	1,020,000
		D/P		2021-6 CH PP (Mar-Cali Rd to STH 96) - Reconstruction					500,000	500,000
		D		2021-7 CH O (East River Dr to CH XX) - Reconstruction					2,900,000	2,900,000
		D		2021-8 CH OE (Olagansie Rd to Garita Rd) - Reconstruction					350,000	350,000
		D		2021-9 CH GE (STH 172 to STH 54) - Reconstruction					270,000	270,000
				Planning, Development, & Transportation Total	10,354,607	9,783,000	17,622,000	12,342,500	8,290,000	58,402,107
				Less: Non-bond funding sources	(3,765,649)	(1,713,553)	(6,204,053)	(3,452,553)	(3,452,553)	(14,762,861)
				Planning, Development, & Transportation Bond Request Total	8,588,958	8,069,447	11,417,947	8,879,947	6,672,947	43,639,246
EDUCATION, CULTURE, AND RECREATION:										
Zoo and Park Management										
		D	3	Duck Creek Shoreline Stabilization			320,250			320,250
				Education, Culture and Recreation Total			320,250			320,250
				Less: Non-bond funding sources						
				Education, Culture and Recreation Bond Request Total			320,250			320,250
Total Capital Projects Outlook Subtotal										
				Total Capital Projects Outlook Subtotal	10,354,607	9,783,000	18,224,899	12,342,500	8,290,000	80,890,446
				Less: Non-bond funding sources	(3,765,649)	(1,713,553)	(6,204,053)	(3,452,553)	(3,452,553)	(14,762,861)
				CAPITAL PROJECTS OUTLOOK BOND REQUEST TOTAL	8,588,958	8,069,447	12,020,846	8,879,947	6,672,947	66,097,585
				Less: Municipality's portion of debt						
				BROWN COUNTY'S PORTION OF DEBT	8,588,958	8,069,447	12,020,846	8,879,947	6,672,947	66,097,585

109



# 2017 Capital Project 5-Year Outlook Summary

Executive Committee

As of 9/07/2016

Key for Funding Source: Q = Operating Revenues, M = Municipal Funds, P = Property Tax, GP = General Fund Source, TR = TR District, S = Stadium District Sales Tax Refund, DR = Debt Service, G = Grants and Loans

## 2017 CAPITAL IMPROVEMENTS PROGRAM - NON BONDING REQUESTS

DIVISION/ DEPARTMENT	PROJECT TYPE	FUNDING SOURCE	DEPT PRIORITY	PROJECT DESCRIPTION	2017	2018	2019	2020	2021	TOTAL
Public Works (cont'd)		Q	2017-A	CTH B (Veterans Ave to CTH A) - Surface Maintenance	230,000	-	-	-	-	230,000
		Q	2017-7	CTH H (Wisconsin Ave to Irish Rd) - Maintenance	285,000	-	-	-	-	285,000
		Q/M	2017-B	CTH VK (CTH VK & Wood Lane Intersection) - Traffic Signals	300,000	-	-	-	-	300,000
		Q	2017-9	West Side CTH's Joint Eling - Asphalt Cracking Filling	250,000	-	-	-	-	250,000
		P/G	2018-0	CTH H5 (Bridge Over Suamico River) - Bridge Replacement	36,224	-	869,000	-	-	905,224
		P/G	2018-0	CTH D (Bridge Over Puma Creek) - Bridge Replacement	32,597	-	792,000	-	-	824,597
		P/G	2020-7	CTH H (Bridge Over Devils River Trail) - Bridge Replacement	35,568	-	-	-	-	35,568
		P/G	2020-8	CTH V (Bridge Over Wolf Bl) - Bridge Replacement	35,693	-	-	-	-	35,693
		P/G	2020-9	CTH V (Bridge Over Bower Creek) - Bridge Replacement	41,106	-	-	-	-	41,106
		P/G	2020-10	CTH J (Bridge Over Suamico River) - Bridge Replacement	41,208	-	-	-	-	41,208
		P/G	2018-3	CTH M (Bridge Over Suamico River) - Bridge Replacement	-	800,000	-	874,000	-	1,674,000
		P/G	2018-4	CTH MM (Bridge Over Bower Creek) - Bridge Replacement	-	778,000	-	919,000	-	1,697,000
		P	2018-6	CTH 2 (Jarvis Rd to CTH MM) - Box Culvert Replacement	-	204,500	-	200,000	-	404,500
		P	2020-5	CTH H (Devils River Trail to CTH H5) - Reconstruction	-	250,000	-	250,000	-	500,000
		P		Preliminary Costs Future Highway Projects	40,000	-	-	-	250,000	290,000
				<b>Planning, Development, &amp; Transportation Total</b>	<b>5,581,733</b>	<b>5,767,796</b>	<b>8,873,302</b>	<b>12,203,772</b>	<b>9,387,131</b>	<b>41,813,734</b>
EDUCATION, CULTURE, AND RECREATION: Zoo and Park Management		Q/G	3	Bay Shore Reservoir	424,333	-	-	-	-	424,333
				<b>Education, Culture, and Recreation Total</b>	<b>424,333</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>424,333</b>
				<b>Total Capital Projects Outlook - Non-Bonding Requests</b>	<b>6,507,776</b>	<b>5,767,796</b>	<b>8,873,302</b>	<b>12,203,772</b>	<b>9,387,131</b>	<b>46,166,777</b>
<b>Grand Total All Requests</b>					<b>10,872,383</b>	<b>15,550,796</b>	<b>27,098,171</b>	<b>94,546,272</b>	<b>17,857,131</b>	<b>127,027,223</b>

\* This project has already been approved. Staff is waiting to secure additional non-bond funding.

\*\* Budgeted (DR) sales tax refund of \$4,389,004 has been set aside to fund projects approved for this separate Memorial Campus.

109

**Executive Committee and Planning, Development & Transportation Committee**

**No. 10h -- ORDINANCE TO AMEND SECTIONS 4.49 AND 4.57 OF THE BROWN COUNTY CODE OF ORDINANCES ENTITLED, REPECTIVELY, AS “EXTRA PAY” AND “POLICY”**

A motion was made by Vice Chair Lund and seconded by Supervisor Vander Leest “**to hold**”. Voice vote taken. Motion carried with no abstentions.

**No. 10i -- ORDINANCE TO AMEND SECTION 4.57 OF THE BROWN COUNTY CODE OF ORDINANCES ENTITLED “POLICY”**

A motion was made by Supervisor Sieber and seconded by Supervisor Clancy “**to refer back to Executive Committee**”. Voice vote taken. Motion carried unanimously with no abstentions.

**Planning, Development & Transportation Committee**

**No. 10j -- ORDINANCE TO AMEND SECTION 21.70 OF THE BROWN COUNTY CODE OF ORDINANCES ENTITLED “PLANNED UNIT DEVELOPMENTS**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF BROWN DOES ORDAIN AS FOLLOWS:

**Section 1** – Subsection (4) of Section 21.70 of the Brown County Code of Ordinances is hereby created to read as follows:

- (4) Planned unit developments that include lands subject to shoreland zoning, must also comply with Section 22.13 of the Brown County Code of Ordinances entitled “Planned Unit Development (s. NR 115.05(1) (a)4.).”

**Section 2** – This Ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted,  
PLANNING, DEVELOPMENT &  
TRANSPORTATION COMMITTEE

Final Draft Approved by Corporation Counsel

*Fiscal Note: This Ordinance does not require an appropriation from the General Fund.*

Approved By:

Troy Streckenbach                      09/28/2016  
COUNTY EXECUTIVE                      (Date)

Sandra L. Juno                         09/28/2016  
COUNTY CLERK                         (Date)

Patrick Moynihan                      09/28/2016  
COUNTY BOARD CHAIR                      (Date)

A motion was made by Supervisor Erickson and seconded by Supervisor Sieber “**to adopt**”. Voice vote taken. Motion carried unanimously with no abstentions.

## ATTACHMENT TO #10J

### PLANNING COMMISSION

*Brown County*

305 E. WALNUT STREET, ROOM 320  
P.O. BOX 23600  
GREEN BAY, WISCONSIN 54305-3600

PHONE (920) 448-6480 FAX (920) 448-4487  
WEB SITE [www.co.brown.wi.us/planning](http://www.co.brown.wi.us/planning)



CHUCK LAMINE, AICP

PLANNING DIRECTOR

### RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

**DATE:** July 14, 2016  
**REQUEST TO:** Planning Development and Transportation Committee  
**MEETING DATE:** August 22, 2016  
**REQUEST FROM:** Chuck Lamine  
Director of Planning and Land Services

**REQUEST TYPE:** ☐ New resolution ☐ Revision to resolution  
☐ New ordinance ☒ Revision to ordinance

**TITLE:** Brown County Code Chapter 21, Land Division and Subdivision Ordinance Update

#### ISSUE/BACKGROUND INFORMATION:

Due to changes in Wisconsin Administrative Code NR 115, Wisconsin's Shoreland Protection Program, and subsequent changes to Brown County Code Chapter 22, a slight modification to Brown County Code Chapter 21 (section 21.70) is necessary to ensure consistency between these ordinances.

#### ACTION REQUESTED:

The Planning and Land Services Department staff is seeking approval of the change to Brown County Code Chapter 21 that is associated with the update to Brown County Code Chapter 22.

#### FISCAL IMPACT:

*NOTE: This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.*

1. Is there a fiscal impact? ☐ Yes ☒ No
  - a. If yes, what is the amount of the impact? \$ \_\_\_\_\_
  - b. If part of a bigger project, what is the total amount of the project? \$ \_\_\_\_\_
  - c. Is it currently budgeted? ☐ Yes ☐ No
    1. If yes, in which account? \_\_\_\_\_
    2. If no, how will the impact be funded? \_\_\_\_\_

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED



10j

No. 10k -- **ORDINANCE TO REPEAL AND REPLACE THE TABLE OF CONTENTS TO CHAPTER 22 OF THE BROWN COUNTY CODE OF ORDINANCES, AS FOUND UNDER THE PORTION ENTITLED "CHAPTER AND SECTION OUTLINE", AND CHAPTER 22 OF THE BROWN COUNTY CODE OF ORDINANCES ENTITLED "SHORELANDS AND WETLANDS"**

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF BROWN DOES ORDAIN AS FOLLOWS:

**Section 1** – The Table of Contents to Chapter 22 of the Brown County Code of Ordinances, as set forth in the portion of the Brown County Code of Ordinances entitled "Chapter and Section Outline", is hereby repealed in its entirety and replaced with the following:

**CHAPTER 22**

**SHORELANDS AND WETLANDS**

**TABLE OF CONTENTS**

<u>Section</u>	<u>Page</u>
<b>STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE</b>	
22.01 STATUTORY AUTHORIZATION .....	4
22.02 FINDING OF FACT .....	4
22.03 PURPOSE AND INTENT .....	4
22.04 TITLE .....	5
<b>GENERAL PROVISIONS</b>	
22.05 AREAS TO BE REGULATED .....	5
22.06 SHORELAND WETLAND ZONING MAPS.....	6
22.07 COMPLIANCE .....	6
22.08 MUNICIPALITIES AND STATE AGENCIES REGULATED .....	6
22.09 ABROGATION AND GREATER RESTRICTIONS .....	6
22.10 INTERPRETATION.....	7
22.11 SEVERABILITY .....	7
<b>LAND DIVISION AND SANITARY REGULATIONS</b>	
22.12 LAND DIVISION REVIEW.....	7
22.13 PLANNED UNIT DEVELOPMENT .....	8
22.14 SANITARY REGULATIONS .....	8
<b>DIMENSIONS OF BUILDING SITES</b>	
22.15 PURPOSE .....	9
22.16 LOTS SERVED BY PUBLIC SANITARY SEWER.....	9
22.17 LOTS NOT SERVED BY PUBLIC SANITARY SEWER .....	9
22.18 SUBSTANDARD LOTS.....	9
22.19 HEIGHT .....	9



## **IMPERVIOUS SURFACE STANDARDS**

22.20	PURPOSE .....	10
22.21	CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE .....	10
22.22	IMPERVIOUS SURFACE STANDARD .....	10
22.23	IMPERVIOUS SURFACE STANDARD FOR HIGHLY DEVELOPED SHORELINES .....	10
22.24	MAXIMUM IMPERVIOUS SURFACES .....	11
22.25	TREATED IMPERVIOUS SURFACES .....	11
22.26	EXISTING IMPERVIOUS SURFACES .....	11

## **SETBACKS FROM THE WATER**

22.27	BUILDING SETBACKS .....	11
22.28	REDUCED BUILDING SETBACKS .....	13
22.29	FLOODPLAIN STRUCTURES .....	13
22.30	CRITICAL SLOPE SETBACK .....	13
22.31	SHORELAND PERMIT-AGRICULTURAL .....	14

## **REMOVAL OF SHORE COVER-VEGETATION**

22.32	PURPOSE .....	14
22.33	ACTIVITIES ALLOWED WITHIN VEGETATIVE BUFFER ZONE .....	14
22.34	SHORELINE CUTTING .....	14
22.35	MINIMUM STANDARD OF A VEGETATIVE BUFFER .....	15

## **FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING**

22.36	GENERAL STANDARDS .....	17
22.37	PERMIT REQUIRED .....	17
22.38	PERMIT CONDITIONS .....	18

## **SHORELAND-WETLAND DISTRICT**

22.39	DESIGNATION .....	19
22.40	PURPOSE .....	19
22.41	PERMITTED USES .....	19
22.42	PROHIBITED USES .....	21
22.43	REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT .....	21

## **NONCONFORMING USES AND STRUCTURES**

22.44	DISCONTINUED NONCONFORMING USE .....	22
22.45	MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NC 22	
22.46	LATERAL EXPANSION OF NC PRINCIPAL STRUCTURE WITHIN THE SETBACK 22	
22.47	EXPANSION OF A NC PRINCIPAL STRUCTURE BEYOND THE SETBACK ...	23
22.48	RELOCATION OF NON CONFORMING PRINCIPAL STRUCTURE .....	23
22.49	MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION-VARIANCE 23	

22.50	WET BOATHOUSES .....	24
-------	----------------------	----

## **MITIGATION**

22.51	MITIGATION.....	24
22.52	MITIGATION PLAN.....	25
22.53	RECORDING REQUIREMENT .....	25

## **ADMINISTRATIVE PROVISIONS**

22.54	PLANNING, DEVELOPMENT AND TRANSPORTATION COMMITTEE.....	25
22.55	ZONING OFFICE.....	26
22.56	SHORELAND PERMITS.....	26
22.57	RELAXATION OF STANDARDS FOR PERSONS WITH DISABILITIES .....	27
22.58	SPECIAL EXCEPTION PERMITS .....	27
22.59	VARIANCES .....	28
22.60	BOARD OF ADJUSTMENT .....	29
22.61	FEES .....	30

## **ORDINANCE CHANGES**

22.62	CHANGES AND AMENDMENTS .....	30
-------	------------------------------	----

## **VIOLATIONS**

22.63	ENFORCEMENT AND PENALTIES .....	30
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## **EXPLANATION OF TERMS AND WORDS**

22.64	DEFINITIONS .....	30
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**Section 2** – Chapter 22 of the Brown County Code of Ordinances, entitled “Shorelands and Wetlands”, is hereby repealed in its entirety and replaced with the following:

## **CHAPTER 22**

### **SHORELANDS AND WETLANDS**

#### **STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE AND TITLE**

**22.01 STATUTORY AUTHORIZATION.** This ordinance (Chapter 22) for shoreland protection is adopted pursuant to the authorization set forth in s. 59.692, Wis. Stats., to implement ss. 59.692, 59.694, & 281.31, Wis. Stats., and Ch. NR 115 of the Wisconsin Administrative Code. These rules and laws shall apply until amended and then shall apply as amended.

**22.02 FINDING OF FACT.** Uncontrolled use of the shorelands and pollution of the navigable waters of Brown County would adversely affect the public health, safety, convenience, and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to the counties to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structures and land uses; and to preserve shore cover and natural beauty. This responsibility is hereby recognized by Brown County, Wisconsin.

**22.03 PURPOSE AND INTENT (s. NR 115.01).** For the purpose of promoting the public health, safety, convenience and welfare, and promote and protect the public trust in navigable waters this ordinance has been established to:

- (1) Further the maintenance of safe and healthful conditions and prevent and control water pollution through:
  - (a) Establishing minimum lot sizes to provide adequate area for private on-site waste treatment systems.
  - (b) Controlling filling and grading to prevent serious soil erosion problems.
  - (c) Limiting impervious surfaces to control runoff which carries pollutants.
- (2) Protect spawning grounds, fish and aquatic life through:
  - (a) Preserving wetlands and other fish and aquatic habitat.
  - (b) Regulating pollution sources.
  - (c) Controlling shoreline alterations, dredging and lagooning.
- (3) Control building sites, placement of structures and land uses through:
  - (a) Prohibiting certain uses detrimental to the shoreland area.
  - (b) Setting minimum lot sizes and widths.
  - (c) Setting minimum building setbacks from waterways.

- (d) Setting the maximum height of near shore structures.
- (4) Preserve and restore shoreland vegetation and natural scenic beauty through:
- (a) Restricting the removal of natural shoreland cover.
  - (b) Preventing shoreline encroachment by structures.
  - (c) Controlling shoreland excavation and other earth moving activities.
  - (d) Regulating the use and placement of boathouses and other structures.

**22.04 TITLE.** This ordinance constituting Chapter 22 of the Brown County Code, shall be known, cited and referred to as: The Shorelands and Wetlands Ordinance for Brown County, Wisconsin.

### **GENERAL PROVISIONS**

**22.05 AREAS TO BE REGULATED.** Areas regulated by this ordinance shall include all the lands (referred to herein as “shorelands”) in the unincorporated areas of Brown County which are:

- (1) Within 1,000 feet of the ordinary high-water mark of navigable lakes, ponds or flowages. (s. NR 115.03(8).) Lakes, ponds or flowages in Brown County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources (“Department”) publication FH-800 2009 “Wisconsin Lakes” book available electronically at the following web site: <http://dnr.wi.gov/org/water/fhp/lakes/lakemap/> or are shown on United States Geological Survey quadrangle maps (1:24,000 scale), or other zoning base maps.
- (2) Within 300 feet of the ordinary high-water mark of navigable rivers or streams, or to the landward side of the floodplain, whichever distance is greater. (s. NR 115.03(8).) Rivers and streams in Brown County shall be presumed to be navigable if they are designated as perennial waterways or intermittent waterways on United States Geological Survey quadrangle maps. (1:24,000) Flood hazard boundary maps, flood insurance rate maps, flood boundary- floodway maps, county soil survey maps or other existing county floodplain zoning maps shall be used to delineate floodplain areas.
- (3) Determinations of navigability and ordinary high-water mark location shall initially be made by the zoning administrator. When questions arise, the zoning administrator may contact the appropriate office of the Department for a final determination of navigability or ordinary high-water mark. The county may work with surveyors with regard to s. 59.692(1h), Wis. Stats. Field locating the ordinary high-water mark on the Bay of Green Bay (“Bay”) shall not exceed the elevation of 583 feet, IGLD85 unless deemed appropriate by the zoning administrator to set higher based on site conditions per the definition of ordinary high-water mark in this ordinance. The all-time historic high water elevation of the Bay is 582.35 feet, IGLD85 as calculated by the Army Corps of Engineers (USACOE).

- (4) Under s. 281.31(2m), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, this ordinance does not apply to:
- (a) Lands adjacent to farm drainage ditches if:
    - 1. Such lands are not adjacent to a natural navigable stream or river.
    - 2. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
  - (b) Lands adjacent to artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- (5) The Brown County Private Sewage System Ordinance (Chapter 11 of this Code), The Floodplains Ordinance for Brown County, Wisconsin (Chapter 23 of this Code) and the Brown County Land Division and Subdivision Ordinance (Chapter 21 of this Code), as referred to in this ordinance, have been adopted separately and are applicable throughout Brown County where there is jurisdiction.
- (6) The provisions of this ordinance apply to the county's regulation of the use and development of unincorporated shoreland areas. Unless specifically exempted by law, all cities, villages, towns, counties and, when s. 13.48 (13), Wis. Stats., applies, state agencies are required to comply with, and obtain all necessary permits under, local shoreland ordinances. The construction, reconstruction, maintenance or repair of state highways and bridges carried out under the direction and supervision of the Wisconsin Department of Transportation is not subject to local shoreland zoning ordinances if s. 30.2022 (1), Wis. Stats., applies. (s. NR 115.02.) Shoreland zoning requirements in annexed or incorporated areas are provided in ss. 61.353 and 62.233, Wis. Stats.

**22.06 SHORELAND WETLAND ZONING MAPS.** The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer is made part of this ordinance. The maps can be viewed at: <http://dnrmaps.wi.gov/SL/Viewer.html?Viewer=SWDV&runWorkflow=Wetland> and the data will also be available on the county GIS.

**22.07 COMPLIANCE (NR 115.04).** The use of any land or water, the size, shape and placement of lots, the use, size, type and location of structures on lots, the installation and maintenance of water supply and waste disposal facilities, the filling, grading, lagooning, dredging of any lands, the cutting of shoreland vegetation, the subdivision of lots, shall be in full compliance with the terms of this ordinance and other applicable local, state or federal regulations. (However, see Section 22.46 of this ordinance for standards applicable to nonconforming uses.) Buildings, signs and other structures shall require a permit unless otherwise expressly excluded by a provision of this ordinance. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

**22.08 MUNICIPALITIES AND STATE AGENCIES REGULATED.** Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation are exempt when s. 30.2022(1), Wis. Stats., applies.

**22.09 ABROGATION AND GREATER RESTRICTIONS.** The provisions of this ordinance supersede all the provisions of any county zoning ordinance adopted under s. 59.69, Wis. Stats., which relate to shorelands. In other words if a zoning standard only applies to lands that lie within the shoreland and applies because the lands are in shoreland, then this ordinance supersedes those provisions. However, where an ordinance adopted under a statute other than s. 59.692, Wis. Stats., does not solely relate to shorelands and is more restrictive than this ordinance, for example a floodplain ordinance, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- (1) (s. 59.692(2)(a), Wis. Stats.) This ordinance shall not require approval or be subject to disapproval by any town or town board.
- (2) (s. 59.692(2)(b), Wis. Stats.) If an existing town ordinance relating to shorelands is more restrictive than this ordinance or any amendments thereto, the town ordinance continues in all respects to the extent of the greater restrictions, but not otherwise.
- (3) This ordinance is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.
- (4) The following provisions of The Floodplains Ordinance for Brown County (Chapter 23) are hereby incorporated by reference; these provisions shall only apply to the shoreland area where they impose greater restrictions than this ordinance otherwise imposes.
- (5) (s. 59.692(1k)(a)1., Wis. Stats.) This ordinance may establish standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning as described in section 22.03 of this ordinance.
- (6) (s. 59.692(1k)(a)1., Wis. Stats.) Counties may not establish shoreland zoning standards in a shoreland zoning ordinance that does any of the following:
  - (a) Requires approval to install or maintain outdoor lighting in shorelands, imposes any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibits or regulates outdoor lighting in shorelands if the lighting is designed or intended for residential use.
  - (b) Requires any inspection or upgrade of a structure before the sale or other transfer of the structure may be made.
- (7) (s. 59.692(7), Wis. Stats.) The construction and maintenance of a facility is considered to satisfy the requirements of this ordinance if:
  - (a) The Department has issued all required permits or approvals authorizing the construction or maintenance under ch. 30, 31, 281, or 283 of the Wisconsin Statutes.

For purposes hereof, a "facility" means any property or equipment of a public utility, as defined in s. 196.01(5), Wis. Stats., or a cooperative association organized under ch. 185, Wis. Stats., for the purpose of producing or furnishing heat, light, or power

to its members only, that is used for the transmission, delivery, or furnishing of natural gas, heat, light, or power.

**22.10 INTERPRETATION (59.69(13)).** In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the county and shall not be deemed a limitation or repeal of any other powers granted by Wisconsin Statutes. Where a provision of this ordinance is required by statute and a standard in Ch. NR 115, Wis. Adm. Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the statute and Ch. NR 115 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

**22.11 SEVERABILITY.** If any portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

### **LAND DIVISION AND SANITARY REGULATIONS**

**22.12 LAND DIVISION REVIEW (s. NR 115.05(2)).** The county shall review, pursuant to s. 236.45, Wis. Stats., all land divisions in shoreland areas which create three or more parcels or building sites of five acres each or less within a five-year period. In such review the following factors shall be considered:

- (1) Hazards to the health, safety or welfare of future residents.
- (2) Proper relationship to adjoining areas.
- (3) Public access to navigable waters, as required by law.
- (4) Adequate storm drainage facilities.
- (5) Conformity to state law and administrative code provisions.

**22.13 PLANNED UNIT DEVELOPMENT (s. NR 115.05(1)(a)4.).**

- (1) **PURPOSE.** The Planned Unit Development is intended to permit smaller non-riparian lots where the physical layout of the lots is so arranged as to better assure the control of pollution and preservation of ground cover than would be expected if the lots were developed with the normal lot sizes and setbacks and without special conditions placed upon the Planned Unit Development at the time of its approval. A condition of all Planned Residential Unit Development is the preservation of certain open space, preferably on the shoreland, in perpetuity.
- (2) **REQUIREMENTS FOR PLANNED UNIT DEVELOPMENT.** The Brown County Planning and Land Services Department may at its discretion, upon its own motion or upon petition, approve a Planned Unit Development Overlay District upon finding, that all of the following facts exist:

- (a) Area. The area proposed for the Planned Unit Development shall be at least 2 acres in size or have a minimum of 200 feet of frontage on navigable water.
- (b) Lots. Any proposed lot in the Planned Unit Development that does not meet the minimum size standards of sections 22.16 and 22.17 of this ordinance shall be a non-riparian lot.
- (c) Lot sizes, widths, setbacks, and vegetation removal. When considering approval of a Planned Unit Development the governing body shall consider whether proposed lot sizes, widths, and setbacks are of adequate size and distance to prevent pollution or erosion along streets or other public ways and waterways. Increased shoreland setbacks shall be a condition of approval as a way of minimizing adverse impacts of development. Shore cover provisions in section 22.33 of this ordinance shall apply except that maximum width of a lake frontage opening shall be 100 feet and minimum vegetative buffer depth shall be increased to offset the impact of the proposed development.

### **SANITARY REGULATIONS**

#### **22.14 SANITARY REGULATIONS (NR 115.05(3)).**

- (1) The county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality.
  - (a) Where public water supply systems are not available, private well construction shall be required to conform to Ch. NR 812, Wis. Adm. Code.
  - (b) Where a public sewage collection and treatment system is not available, design and construction of private on-site waste treatment system shall, prior to July 1, 1980, be required to comply with Ch. SPS 383, Wis. Adm. Code, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under s. 59.70(5), Wis. Stats.

### **DIMENSIONS OF BUILDING SITES**

#### **22.15 PURPOSE (s. NR 115.05(1)(a)).**

- (1) Minimum lot sizes in the shoreland area shall be established to afford protection against danger to health, safety and welfare, and protection against pollution of the adjacent body of water.

#### **22.16 LOTS SERVED BY PUBLIC SANITARY SEWER (s. NR 115.05(1)(a)1.).**

- (1) The minimum lot area shall be 10,000 sq. ft. and the minimum average lot width shall be 65 feet with at least 65 feet of frontage at the ordinary high-water mark.

#### **22.17 LOTS NOT SERVED BY PUBLIC SANITARY SEWER (s. NR 115.05(1)(a)2.).**

- (1) The minimum lot area shall be 20,000 sq. ft. and the minimum average lot width shall



be 100 feet with at least 100 feet of frontage at the ordinary high-water mark.

**22.18 SUBSTANDARD LOTS (s. NR 115.05(1)(a)3).** A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current lot size requirements, may be used as a building site if all of the following apply:

- (1) The substandard lot or parcel was never reconfigured or combined with another lot or parcel by plat, survey, or consolidation by the owner into one property tax parcel.
- (2) The substandard lot or parcel has never been developed with one or more of its structures placed partly upon an adjacent lot or parcel.
- (3) The substandard lot or parcel is developed to comply with all other ordinance requirements.

Note: The intent of this provision is to allow lots that were legally created that currently do not meet the minimum lot width and area requirements to be considered a building site provided all ordinance requirements can be met. Substandard lots that have been reconfigured by a certified survey map or consolidated into one legal description with the Register of Deeds, which result in a larger (closer to conforming) lot should be allowed to be utilized as a building site. Additionally, lots that have a legal description for each substandard lot on record with the Register of Deeds but have one tax parcel number assigned by the Real Property Lister or Assessor for taxing/assessing purposes should be considered separate building sites and should not be considered consolidated. Lots that have had development over the lot lines should be combined with a legal description and recorded with a new deed prior to new development occurring.

**22.19 HEIGHT (s. NR 115.05(1)(f)).** To protect and preserve wildlife habitat and natural scenic beauty, on or after February 1, 2012, a county may not permit any construction that results in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

- (1) Height Measurement: The maximum 35 foot measurement shall be made from the highest grade elevation next to the foundation as measured to the midpoint of the roof line.

### **IMPERVIOUS SURFACE STANDARDS**

**22.20 PURPOSE (s. NR 115.05(1)(e)).** Establish impervious surface standards to protect water quality, fish and wildlife habitat and to protect against pollution of navigable waters. County impervious surface standards shall apply to the construction, reconstruction, expansion, replacement or relocation of any impervious surface on a riparian lot or parcel and any nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

**22.21 CALCULATION OF PERCENTAGE OF IMPERVIOUS SURFACE (s. NR 115.05(1)(e)1m.).** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark by the total surface area of

that lot or parcel, and multiplied by 100. Impervious surfaces described in section 22.25 of this ordinance shall be excluded from the calculation of impervious surface on the lot or parcel. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surface.

Note: For properties that have been “condominiumized” the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. It will be important to remember also that mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

**22.22 IMPERVIOUS SURFACE STANDARD (s. NR 115.05(1)(e)2.).** Except as allowed in sections 22.23 through 22.25 of this ordinance allow up to 15% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

**22.23 IMPERVIOUS SURFACE STANDARD FOR HIGHLY DEVELOPED SHORELINES. (s. NR 115.05(1)(e)2m. and s. 59.692(1k)(am)2, Wis. Stats.).** The county at its discretion may adopt an ordinance for highly developed shorelines allowing up to 30% for residential land use and up to 40% for commercial, industrial or business land uses for lands that meet one of the following standards:

- (1) The highly developed shoreline is identified as an Urbanized Area or Urban Cluster in the 2010 US Census or has a commercial, industrial, or business land use as of January 31, 2013.
- (2) After conducting a hearing and receiving approval by the Department, the county has established a map of additional areas of highly developed shorelines that are at least 500 feet in length and meet one of the following criteria:
  - (a) The majority of the lots are developed with more than 30% of impervious surface area.
  - (b) Located on a lake served by a sewerage system as defined in NR 110.03(30), Wis. Adm. Code.
  - (c) The majority of the lots contain less than 20,000 square feet in area.
  - (d) The highly developed shoreline is identified on the Green Bay MPO 2045 Metropolitan Planning Area Boundary approved by WisDOT June 16, 2014.
  - (e) The highly developed shoreline is also identified on the HDS map created on 6/15/16 or as amended to reflect areas that match any of (a), (b) or (c) above.

**22.24 MAXIMUM IMPERVIOUS SURFACE (s. NR 115.05(1)(e)3.).** A property may exceed the impervious surface standard under sections 22.22 or 22.23 of this ordinance provided the following standards are met:

- (1) For properties where the impervious surface standard applies under section 22.22 of this ordinance, a property owner may have more than 15% impervious surface but not more than 30% impervious surface on the portion of a lot or parcel that is within 300 feet of the ordinary high-water mark.

- (2) For properties on shorelands where the impervious surface standard for highly developed shorelines applies under section 22.23 of this ordinance, a property owner may have more than 30% impervious surface but not more than 40% impervious surface for residential land uses. For commercial, industrial or business land uses, a property owner may have more than 40% impervious surface but not more than 60% impervious surface.
- (3) For properties that exceed the standard under sections 22.22 or 22.23 of this ordinance but do not exceed the maximum standard under sections 22.24(1) or 22.24(2) of this ordinance, a permit can be issued for development with a mitigation plan that meets the standards found in section 22.51 of this ordinance.

**22.25 TREATED IMPERVIOUS SURFACES (s. NR 115.05(1)(e)3m. and s. 59.692(1k)(a)5, Wis. Stats.).** Impervious surfaces that can be documented to show they meet either of the following standards shall be excluded from the impervious surface calculations under section 22.21 of this ordinance.

- (1) The impervious surface is treated by devices such as stormwater ponds, constructed wetlands, infiltration basins, rain gardens, bio-swales or other engineered systems.
- (2) The runoff from the impervious surface discharges to an internally drained pervious area that retains the runoff on or off the parcel and allows infiltration into the soil.

**22.26 EXISTING IMPERVIOUS SURFACES (s. NR 115.05(1)(e)4.).** For existing impervious surfaces that were lawfully placed when constructed but that do not comply with the impervious surface standard in section 22.22 of this ordinance or the maximum impervious surface standard in section 22.24 of this ordinance, the property owner may do any of the following:

- (1) Maintain and repair the existing impervious surfaces.
- (2) Replace existing impervious surfaces with similar surfaces within the existing building envelope.
- (3) Relocate or modify an existing impervious surface with similar or different impervious surface, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on the effective date of this ordinance and the impervious surface meets the applicable setback requirements in sections 22.27 or 22.28 hereof.

NOTE: The impervious surface standards set forth herein shall not be construed to supersede other provisions of this ordinance. All of the provisions of this ordinance still apply to new or existing development.

### **SETBACKS FROM THE WATER**

**22.27 BUILDING SETBACKS (s. NR 115.05(1)(b)).** Permitted building setbacks shall be established to conform to health, safety and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

- (1) **SHORELAND SETBACK (s. NR 115.05(1)(b)1.).** Unless exempt under section 22.27(2), or reduced under section 22.28 of this ordinance, a setback of 75 feet from

the ordinary high-water mark of any navigable waters to the nearest part of a building or structure shall be required for all buildings and structures.

(2) **EXEMPT STRUCTURES (s. NR 115.05(1)(b)1m. and s. 59.692(1k)(a)(6), Wis. Stats.).** All of the following structures are exempt from the shoreland setback standards in Subsection (1), above:

(a) Boathouses located entirely above the ordinary high-water mark and entirely within the access and viewing corridor that do not contain plumbing and are not used for human habitation. The roof of a boathouse may be used as a deck provided that:

1. The boathouse has a flat roof.
2. The roof has no side walls or screens.
3. The roof may have a railing that meets the Department of Safety and Professional Services standards.

(b) Shoreland Permit – Special. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s. 59.692(1v), Wis. Stats.

1. The part of the structure that is nearest to the water is located at least 35 feet landward from the ordinary-high water mark.
2. The floor area of all the structures in the shoreland setback area will not exceed 200 square feet.
3. The structure that is the subject of the request for special zoning permission has no sides or has open or screened sides.
4. The county must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70% of the half of the shoreland setback area that is nearest to the water.

(c) Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are two meters or less in diameter.

(d) Utility transmission and distribution lines, poles, towers, water towers, pumping stations, well pumphouse covers, private on-site wastewater treatment systems that comply with Ch. SPS 383, Wis. Adm. Code and other utility structures that have no feasible alternative location outside of the minimum setback and that employ best management practices to infiltrate or otherwise control storm water runoff from the structure.

(e) Stairways, walkways, and rail systems that are necessary to provide pedestrian access to the shoreline and are a maximum of 60 inches in width.

(f) Devices or systems used to treat runoff from impervious surfaces.

(3) **EXISTING EXEMPT STRUCTURES (s. 59.692(1k)(a)2m., Wis. Stats.).** Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. The county may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

NOTE: Section 59.692(1k)(a)2m., Wis. Stats., prohibits the county from requiring any approval or imposing any fee or mitigation requirement for the activities specified in section 22.27(3) hereof. However, it is important to note that property owners may be required to obtain permits or approvals and the county may impose fees under Brown County Ordinances it adopted pursuant to other statutory requirements, such as floodplain zoning, general zoning, sanitary codes, building codes, or even stormwater erosion control.

**22.28 REDUCED BUILDING SETBACKS (NR 115.05(1)(b)1. and (s. 59.692(1n), Wis. Stats.)**

A setback less than the 75' required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:

- (1) Where there are existing principal structures in both directions, the setback shall equal the average of the distances the two existing principal structures are set back from the ordinary high water mark provided all of the following are met:
  - (a) Both of the existing principal structures are located on adjacent lot to the proposed principal structure.
  - (b) Both of the existing principal structures are located within 250' of the proposed principal structure and are the closest structure.
  - (c) Both of the existing principal structures are located less than 75' from the ordinary high water mark.
  - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

Note: s. 59.692(1d)(a), Wis. Stats., requires counties to adopt the standards consistent with Section 22.28(1) or reducing the shoreland setback.

- (2) Where this is an existing principal structure in only one direction, the setback shall equal the distance the existing principal structure is set back from the ordinary high water mark and the required setback of 75' from the ordinary high water mark provided all of the following are met:
  - (a) The existing principal structure is located on adjacent lot to the proposed principal structure.
  - (b) The existing principal structure is located within 250' of the proposed principal structure and is the closest structure.
  - (c) The existing principal structure is located less than 75' from the ordinary high water mark.
  - (d) The average setback shall not be reduced to less than 35' from the ordinary high water mark of any navigable water.

**22.29 FLOODPLAIN STRUCTURES (s. NR 115.05(1)(b)2.).** Buildings and structures to be constructed or placed in a floodplain shall be required to comply with any applicable floodplain zoning ordinance.

**22.30 CRITICAL SLOPE SETBACK.** *All residential, commercial or industrial structures shall be set back a minimum of 20 feet from the top ridgeline of a 20% or greater slope measured to the foundation and must comply with the ordinary high-water mark required*

*setbacks of this ordinance, whichever is greater. Elevation change will be analyzed to determine how steep or significant the slope is to decide the applicability of this section. Decks, patios, stairways, fences, gazebos, screen houses, pools, boathouses and storage sheds can be located within the 20 foot setback but must not exceed a building footprint of 500 square feet. If a geotechnical study is completed for the proposed area, a shoreland permit may be issued for a structure within the 20 foot setback subject to being constructed following the recommendations of the study. A certificate of compliance will need to be completed by the responsible architect or engineer after construction and prior to occupancy. This certificate must be returned to the Zoning Office within 60 days of completion of the project.*

(1) Special exceptions. A special exception permit shall be required for the following:

(a) For any proposed encroachment into the critical slope setback not identified in section 22.30 of this ordinance.

**22.31 SHORELAND PERMIT- AGRICULTURAL.** The following uses shall be permitted within the Shoreland District or as defined by the Brown County Land Conservation Department on their most current hazard maps to the extent that they are not prohibited in a particular area by any underlying zoning ordinance. The hazard maps can be found at the Brown County Land and Water Conservation Department or on its website.

(1) Agricultural uses are permitted providing they comply with the provisions of this ordinance.

(a) A minimum of 35 feet of land free of row crops and seeded to grass, alfalfa, or other close-growing crop shall be maintained between the farmed area and the edge of the navigable stream; navigable stream crossings shall be permitted for livestock and shall be of a design deemed appropriate by the Brown County Land Conservation Department. A farmer may be exempt from this section if soil and water conservation practices are deemed sufficient and no pollution is occurring in the opinion of the Brown County Land Conservation Department.

(b) If there is a pollution problem resulting from the grazing or pasturing of livestock, the farmer/operator will be required to erect a fence no closer than 16-1/2 feet of the edge of the navigable stream or otherwise abate the pollution in such a manner as may be determined by the Brown County Land Conservation Department. If a fence has to be erected, provision will be allowed for watering livestock in the navigable stream.

### **REMOVAL OF SHORE COVER - VEGETATION**

**22.32 PURPOSE (s. NR 115.05(1)(c)1.).** To protect natural scenic beauty, fish and wildlife habitat, and water quality, a county shall regulate removal of vegetation in shoreland areas, consistent with the following: The County shall establish ordinance standards that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

**22.33 ACTIVITIES ALLOWED WITHIN VEGETATIVE BUFFER ZONE (s. NR 115.05(1)(c)2.).**

To protect water quality, fish and wildlife habitat and natural scenic beauty, and to promote preservation and restoration of native vegetation, the county shall designate land that extends from the ordinary high water mark to a minimum of 35 feet inland as a vegetative buffer zone and prohibit removal of vegetation in the vegetative buffer zone except as allowed in section 22.34 hereof.

**22.34 SHORELINE CUTTING.** Tree and shrubbery cutting in an area parallel to the ordinary high-water mark, and extending 35 feet inland from all points along the ordinary high-water mark, shall be limited in accordance with the following provisions:

- (1) The county may allow routine maintenance of vegetation.
- (2) The county may allow removal of trees and shrubs in the vegetative buffer zone to create access and viewing corridors. Per s. 59.692(1f)(b), Wis. Stats, the viewing corridor may be at least 35 feet wide for every 100 feet of shoreline frontage. The viewing corridor may run contiguously for the entire maximum width or shoreline frontage owned.
- (3) The county may allow removal of trees and shrubs in the vegetative buffer zone on a parcel with ten or more acres of forested land consistent with “generally accepted forestry management practices” as defined in s. NR 1.25 (2)(b), and described in Department Publication “Wisconsin Forest Management Guidelines” (Publication FR-226), provided that vegetation removal be consistent with these practices.
- (4) The county may authorize by permit additional vegetation management activities in the vegetative buffer zone. The permit issued under this Subsection shall require that all management activities comply with detailed plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.
- (5) The county may allow removal of vegetation within the vegetative buffer zone to manage exotic or invasive species, damaged vegetation, vegetation that must be removed to control disease, or vegetation creating an imminent safety hazard, provided that any vegetation removed be replaced by replanting in the same area as soon as practicable.

Note: Wis. Stats., § 59.692(1f)(a) prohibits the county from requiring a property owner to establish a vegetative buffer zone on previously developed land or expand an existing vegetative buffer zone. However, as part of the County’s shoreland mitigation standards, the establishment or expansion of the vegetative buffer may remain an option.

**22.35 MINIMUM STANDARD OF A VEGETATIVE BUFFER.** Planting Densities. The table below describes planting standards for two major shoreland types: woodland, and barrens/dry prairie/wet prairie. The woodland has a nearly complete canopy of trees while the barrens/prairie and wetland are more open. Plant numbers are to be calculated based on the area in square feet to be reestablished and the appropriate density. The area to be reestablished shall be calculated for each layer.

(1) Shoreland Buffer Planting Standards (Table 1)

	Woodland Buffer		Wetland / Prairie Buffer	
Layer	Minimum number of species	Density per 100 square feet	Minimum number of species	Density per 100 square feet
Tree Canopy*	3	1	1	0.2
Shrub Understory**	4	2	2	0.5
Groundcover Plant Plugs***	1	50 Must be Mulched	5	70 Must be Mulched
Groundcover Seeding	1	Varies Grass 4oz./1000sqft. Forbs 3oz./1000sqft.	5	Varies Grass 4oz./1000sqft. Forbs 3oz./1000sqft.

\* Tree must be ≥ 2 years old and 18" tall or taller

\*\* Shrubs must be 1 Liter container size or larger

\*\*\* Plugs must be 3" tall or 1" dia.

(2) Types of Vegetation Buffer Establishment.

- (a) Avoidance- Your buffer may be totally intact or undisturbed. If that is the case, your affidavit will simply state that you will not disturb the area and will remain compliant with placement of your viewing corridor. The area designated as Vegetative Buffer must meet the density requirements of (Table 1).
- (b) Accelerated Recovery (enhancement) - This method entails actually installing some plant materials to achieve proper vegetation density, outlined in (Table 1). Simply stated, you will be filling in areas that are too thin or where the vegetation is missing.
- (c) Accelerated Recovery (creation) - This method is used when no buffer exists. The area in question may have been graded to bare soil or the site may have been mowed for many years. Creation will involve planting groundcover, shrubs and trees after removal of existing vegetation.

- (3) Brown County Native Plant List. Species of plants must be selected from the Brown County Native Plant List and approved for shoreline buffers by the Brown County Zoning Administrator. Substitutions must be approved by the Brown County Zoning Administrator. Substitutions to the list will be allowed in the event of lack of plant



stock or seed availability on a case-by-case basis. All plants may be transplanted from areas outside of the buffer zone. The following link to the Wisconsin Botanical Information System shall be used to determine Brown County native plants. County: Brown, Origin: Native.

<http://www.botany.wisc.edu/herb/Countysearch.html>

- (4) Shoreland Buffer Plan Requirements. When restoration of a shoreland buffer is chosen as a mitigation option, a restoration plan shall be completed by an engineer, landscape architect, surveyor or other licensed contractor acceptable by the Brown County Zoning Administrator. Said Plan must be approved by the county and shall include:
  - (a) Name and address of property owner.
  - (b) Property address and legal description.
  - (c) Extent of the shoreland buffer.
  - (d) Scale (e.g. 1 inch = 10 feet) or as approved by reviewer.
  - (e) North arrow.
  - (f) Ordinary high water mark (OHWM) location.
  - (g) Location of all structures in the shoreland buffer zone.
  - (h) Viewing and access corridor.
  - (i) Boundary of the shoreland buffer zone.
  - (j) Existing trees, shrubs, and native ground cover.
  - (k) Areas to be planted with trees, shrubs, and groundcovers.
  - (l) Implementation schedule.
  - (m) A plant species list; indicate if you are requesting substitutions from the prepared list.
  - (n) Erosion control practices (to be installed prior to and during buffer establishment).
  - (o) Water diversions and channelized flow areas.
  - (p) Buffer maintenance (weeding, replanting).
- (5) Certificate of Completion. No later than 2 years after issuance of the shoreland permit, the property owner shall complete the mitigation practices and shall certify in writing to the Brown County Zoning Administrator that the required mitigation has been completed. As part of the certification, the property owner shall submit photos documenting the mitigation measures and the Brown County Planning and Land Services Department staff may conduct an on-site compliance inspection. If the project for which the permit was issued was never completed then the implementation of the mitigation plan will not be required. An affidavit of correction to that effect shall be recorded on to the deed at the property owner's expense.
- (6) Subsequent Development. Shoreland permit applications shall require additional mitigation and will be dependent on the scope of the project.

## **FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING**

**22.36 GENERAL STANDARDS (s. NR 115.05(1)(d)).** Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of s. NR 115.04, the requirements of Ch. 30, Wis. Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and natural scenic beauty. Erosion control is required as per Best Management Practices. Filling, grading, lagooning, dredging, ditching or excavating which does not require a permit under section 22.37 of this ordinance may be permitted in the shoreland area provided that:

- (1) It is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.
- (2) Filling, grading, lagooning, dredging, ditching or excavating in a shoreland-wetland district meets the requirements of sections 22.41(2) and 22.41(3) of this ordinance.
- (3) All applicable federal, state and local authority is obtained in addition to a permit under this ordinance.
- (4) Any fill placed in the shoreland area is protected against erosion by the use of riprap, vegetative cover or a bulkhead.

### **22.37 PERMIT REQUIRED.**

- (1) Filling, grading, lagooning, dredging, ditching and excavating. Erosion control is required as per Best Management Practices. A permit is required for any shoreland area as defined in this ordinance and on which there is either:
  - (a) At least 1,000 square feet of filling, grading and excavating.
  - (b) Filling of more than 500 square feet within 100 feet of any shoreland wetland. A 35 foot setback is required on wetlands.
  - (c) Not more than 20,000 square feet of filling, grading and excavating within 100 feet of navigable water.
- (2) Special exceptions. A special exception permit shall be required for the following:
  - (a) For any filling, grading and excavating of any area within the shoreland district which is within 100 feet horizontal distance of navigable water and on which there is:
    1. Filling, grading and excavating greater than 20,000 square feet.
  - (b) For any construction or dredging commenced on any artificial waterway, canal, ditch, lagoon, pond, lake or similar waterway which is within 300 feet landward of the ordinary high-water mark of a navigable body of water or where the purpose is the ultimate connection with a navigable body of water.

- (c) This subsection (2) does not apply to soil conservation practices such as terraces, runoff diversions, grassed waterways, waste storage facilities, and channel restoration, which are used for sediment reduction. All projects designed by other Brown County Departments, DNR, USF & WS, NRCS, and other governmental departments will not require a special exception permit, only a shoreland permit will be required. The shoreland permit fee will be waived when the agency designing the project will have direct supervision over the construction. A letter must be provided to this office by that agency upon completion indicating the project was completed as permitted. The DOT is exempt from permit requirements when section 30.12(4)(a), Wisconsin Statutes, applies.
  - (d) Municipal projects designed by licensed architects or engineers will not require a special exception permit, only a shoreland permit will be required.
- (3) Conditions. In issuance of a shoreland permit or in granting a special exception permit for filling or grading, the Board of Adjustments or Brown County Zoning Office may attach the following conditions in addition to the provisions specified in Section 22.58 that:
- (a) The smallest amount of bare ground be exposed for as short a time as feasible.
  - (b) Temporary ground cover such as mulch be used and permanent cover such as sod be planted.
  - (c) Diversions, silting basins, terraces, and other methods to trap sediment be used.
  - (d) Fill is stabilized according to accepted engineering standards.
  - (e) Fill will not restrict a floodway or destroy the storage capacity of a floodplain.
  - (f) Sides of a channel or artificial watercourse be stabilized to prevent slumping.
  - (g) Sides of channels or artificial watercourses be constructed with side slopes of two units horizontal distance to one unit vertical or flatter, unless bulkheads or rip rapping are provided.
  - (h) In shoreland areas with no floodplain mapped a minimum 35 foot no fill area is required from the ordinary high-water mark. If floodplain analysis is submitted and approved by the Department the 35 foot no fill area may be reduced.

**22.38 PERMIT CONDITIONS.** In granting a special exception permit under section 22.37(2), the Board of Adjustment shall attach the following conditions, where appropriate, in addition to those provisions specified in sections 22.58(2) and 22.58(3):

- (1) The smallest amount of bare ground shall be exposed for as short a time as feasible.
- (2) Temporary ground cover (such as mulch or jute netting) shall be used and permanent vegetative cover shall be established.
- (3) Diversion berms or bales, silting basins, terraces, filter fabric fencing, and other methods shall be used to prevent erosion.
- (4) Lagoons shall be constructed to avoid fish trap conditions.
- (5) Fill shall be stabilized according to accepted engineering standards.

- (6) Filling shall comply with any local floodplain zoning ordinance and shall not restrict a floodway or destroy the flood storage capacity of a floodplain.
- (7) Channels or artificial watercourses shall be constructed with side slopes of two units horizontal distance to one unit vertical or flatter which shall be promptly vegetated, unless bulkheads or riprap are provided.

### **SHORELAND-WETLAND DISTRICT**

**22.39 DESIGNATION (s. NR. 115.04).** This district shall include all shorelands within the jurisdiction of this ordinance which are designated as wetlands on the most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer.

- (1) Locating shoreland-wetland boundaries. (s. NR 115.04(b)2.) Where an apparent discrepancy exists between the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory Maps and actual field conditions, the zoning administrator shall contact the appropriate office of the Department to determine if the shoreland-wetland district boundary as mapped is in error. If Department staff concur with the zoning administrator that a particular area was incorrectly mapped as a wetland or meets the wetland definition, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors on the official zoning map, an official zoning map amendment must be initiated within a reasonable period of time.

**22.40 PURPOSE.** This district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat, to preserve shore cover and natural beauty and to control building and development in wetlands whenever possible. When development is permitted in a wetland, the development should occur in a manner that minimizes adverse impacts upon the wetland.

**22.41 PERMITTED USES (s. NR 115.04(3)).** The following uses shall be allowed, subject to general shoreland zoning regulations contained in this ordinance, the provisions of Chs. 30, 31, and 281.36, Wis. Stats., and the provisions of other applicable local, state and federal laws:

- (1) Activities and uses which do not require the issuance of a shoreland permit, but which must be carried out without any filling, flooding, draining, dredging, ditching, tiling or excavating except as allowed under sections 22.41(2) or 22.41(3) of this ordinance.
  - (a) Hiking, fishing, trapping, hunting, swimming, and boating.
  - (b) The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
  - (c) The pasturing of livestock.

- (d) The cultivation of agricultural crops.
  - (e) The practice of silviculture, including the planting, thinning, and harvesting of timber.
  - (f) The construction or maintenance of duck blinds.
- (2) Uses which do not require the issuance of a shoreland permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating but only to the extent specifically provided below:
- (a) Temporary water level stabilization measures necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on silvicultural activities if not corrected.
  - (b) The cultivation of cranberries including flooding, dike and dam construction or ditching necessary for the growing and harvesting of cranberries.
  - (c) The maintenance and repair of existing agricultural drainage systems including ditching, tiling, dredging, excavating and filling necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible.
  - (d) The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
  - (e) The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance.
  - (f) The maintenance, repair, replacement or reconstruction of existing town and county highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- (3) Uses which require the issuance of a shoreland permit under section 22.56- (shoreland permits) and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
- (a) The construction and maintenance of roads which are necessary to conduct silvicultural activities or agricultural cultivation provided that:
    - 1. The road cannot, as a practical matter, be located outside the wetland.
    - 2. The road is designed and constructed to minimize adverse impact upon the natural functions of the wetland enumerated in section 22.43(2).
    - 3. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
    - 4. Road construction activities are carried out in the immediate area of the roadbed only.
  - (b) The construction or maintenance of nonresidential buildings provided that:

1. The building is essential for and used solely in conjunction with the raising of waterfowl, minnows or other wetland or aquatic animals; or some other use permitted in the shoreland-wetland district.
2. The building cannot, as a practical matter, be located outside the wetland.
3. Such building is not designed for human habitation and does not exceed 500 square feet in floor area.
4. Only limited filling or excavating necessary to provide structural support for the building is authorized.

(c) The establishment of public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, fish hatcheries, and public boat launching ramps and attendant access roads, provided that:

1. Any private development is used exclusively for the permitted use and the applicant has received a permit or license under Ch. 29, Wis. Stats., where applicable.
2. Filling or excavating necessary for the construction or maintenance of public boat launching ramps or attendant access roads is allowed only where such construction or maintenance meets the criteria in section 22.41(3)(a)1- 4.
3. Ditching, excavating, dredging, or dike and dam construction in public and private parks and recreation areas, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game bird and animal farms, fur animal farms, and fish hatcheries is allowed only for the purpose of improving wildlife habitat and to otherwise enhance wetland values.

(d) The construction or maintenance of electric, gas, telephone, water and sewer transmission and distribution facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members and the construction or maintenance of railroad lines provided that:

1. The transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
2. Such construction or maintenance is done in a manner designed to minimize adverse impact upon the natural functions of the wetland enumerated in section 22.43(2).

**22.42 PROHIBITED USES (s. NR 115.04(4)).** Any use not listed in sections 22.41(1), 22.41(2) or 22.41(3) of this ordinance is prohibited, unless the wetland or portion of the wetland has been rezoned by amendment of this ordinance in accordance with section 22.43 of this ordinance and s. 59. 69(5)(e), Wis. Stats.

**22.43 REZONING OF LANDS IN THE SHORELAND-WETLAND DISTRICT (s. NR 115.04(2)).**

- (1) For all proposed text and map amendments to the shoreland-wetland provisions of this ordinance, the appropriate district office of the Department shall be provided with the following:
  - (a) A copy of every petition for a text or map amendment to the shoreland-wetland provisions of this ordinance, within five days of the filing of such petition with the county clerk. Such petition shall include a copy of the Wisconsin Wetland Inventory Map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland.
  - (b) Written notice of the public hearing to be held on a proposed amendment at least 10 days prior to such hearing.
  - (c) A copy of the county zoning agency's findings and recommendations on each proposed amendment within 10 days after the submission of those findings and recommendations to the county board.
  - (d) Written notice of the county board's decision on the proposed amendment within 10 days after it is issued.
- (2) A wetland or a portion thereof, in the shoreland-wetland district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:
  - (a) Storm and flood water storage capacity.
  - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland.
  - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
  - (d) Shoreline protection against soil erosion.
  - (e) Fish spawning, breeding, nursery or feeding grounds.
  - (f) Wildlife habitat.
  - (g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in s. NR 103.04 which can be accessed at the following web site:  
<http://www.legis.state.wi.us/rsb/code/nr/nr103.pdf>.
- (3) If the Department notifies the county zoning agency that a proposed text or map amendment to the shoreland-wetland provisions of this ordinance may have a significant adverse impact upon any of the criteria listed in section 22.43(2) of this ordinance, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than 30 days have elapsed after written notice of the county board's approval of this amendment is mailed to the Department of Natural Resources. During that 30 day period the Department of Natural Resources may notify the county board that it will adopt a superseding

shoreland ordinance for the county under s. 59.692(6), Wis. Stats. If the Department does so notify the county board, the effect of this amendment shall be stayed until the s. 59.692(6) adoption procedure is completed or otherwise terminated."

## **NONCONFORMING USES AND STRUCTURES**

**22.44 DISCONTINUED NONCONFORMING USE (s. NR. 115.05(1)(g)3.).** If a nonconforming use is discontinued for a period of 12 months, any future use of the building, structure or property shall conform to this ordinance.

**22.45 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF NONCONFORMING STRUCTURES (s. 59.692(1k)(a)2., 4. and (b), Wis. Stats.).** An existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the nonconforming structure. Further, an existing structure that was lawfully placed when constructed but that does not comply with the required shoreland setback may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. The county may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

**22.46 LATERAL EXPANSION OF NONCONFORMING PRINCIPAL STRUCTURE WITHIN THE SETBACK (s. NR 115.05(1)(g)5.).** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 22.27 and 22.28 of this ordinance may be expanded laterally, provided that all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) Lateral expansions are limited to a maximum of 200 square feet over the life of the structure. No portions of the expansion may be closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 22.51 hereof.
- (5) All other provisions of this ordinance shall be met.

**22.47 EXPANSION OF A NONCONFORMING PRINCIPAL STRUCTURE BEYOND SETBACK (s. NR 115.05(1)(g)5m.).** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback under section 22.24(1) of this ordinance, may be expanded horizontally, landward or vertically provided that the expanded area meets the building setback requirements per section 22.27(1) or 22.28 hereof and that all other provisions of this ordinance are met.



A mitigation plan is not required solely for expansion under this section, but may be required per section 22.22 of this ordinance.

**22.48 RELOCATION OF NONCONFORMING PRINCIPAL STRUCTURE (s. NR 115.05(1)(g)6.).** An existing principal structure that was lawfully placed when constructed but that does not comply with the required building setback per sections 22.27(1) and 22.28 of this ordinance may be relocated on the property provided that all of the following requirements are met:

- (1) The use of the structure has not been discontinued for a period of 12 months or more if a nonconforming use.
- (2) The existing principal structure is at least 35 feet from the ordinary high-water mark.
- (3) No portion of the relocated structure is located any closer to the ordinary high-water mark than the closest point of the existing principal structure.
- (4) The county determines that no other location is available on the property to build a principal structure of a comparable size to the structure proposed for relocation that will result in compliance with the shoreland setback requirement per section 22.27(1) hereof.
- (5) The county shall issue a permit that requires a mitigation plan that shall be approved by the county and implemented by the property owner by the date specified in the permit. The mitigation plan shall meet the standards found in section 22.51 of this ordinance and include enforceable obligations of the property owner to establish or maintain measures that the county determines are adequate to offset the impacts of the permitted expansion on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty. The mitigation measures shall be proportional to the amount and impacts of the replaced or relocated structure being permitted. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the Brown County Register of Deeds.
- (6) All other provisions of this ordinance shall be met.

**22.49 MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE (s. 59.692(1k)(a)2. and (a)4., Wis. Stats.).** A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. The county may allow expansion of a structure beyond the existing footprint if the expansion is necessary to comply with applicable state or federal requirements.

**22.50 WET BOATHOUSES.** The maintenance and repair of nonconforming boathouses which extend beyond the ordinary high-water mark of any navigable waters shall be required to comply with s. 30.121, Wis. Stats.

## **MITIGATION**

### **22.51 MITIGATION (s. 59.692(1v), Wis. Stats., and s. NR 115.05(1)(e)3., (g)5., & (g)6.).**

When the county issues a permit requiring mitigation under sections 22.27(2)(b), 22.24, 22.47, or 22.49 of this ordinance, the property owner must submit a complete permit application that is reviewed and approved by the county. Existing buffer zones may be used to meet the mitigation point totals. The following mitigation practices may be used to obtain a minimum of 3 points.

#### **(1) Mitigation Options –Maintenance of Existing or Establishment of Buffers.**

- (a) Primary Active Buffer Zone – Shore buffer zone within 35 feet of the ordinary high-water mark, including trees, shrubbery, ground cover and other natural vegetation, and subject to no mowing is permitted other than the allowable viewing corridor. 3 points.
- (b) Passive Buffer Zone – Shoreland vegetation buffer area within 35 feet of the ordinary high-water mark, including un-mowed grass or other ground cover vegetation, but without the tree and shrub layers required to meet the 3 point mitigation standard. 2 points.
- (c) Side Lot Buffer Zone – A 10 foot wide side lot buffer zone including trees, shrubbery, ground cover and other natural vegetation extending along a side lot line for a depth of at least 75 feet from the ordinary high-water mark. 1 point. The side lot buffer area is subject to the condition of no mowing is permitted. Points for side lot line buffers may be additive, for a maximum of 2 points, if buffer areas exist and are maintained along both side lot lines.

#### **(2) Mitigation Alternative Option.**

- (a) At the discretion of the Brown County Zoning Administrator, up to three additional mitigation points may be approved for restoration or protection activities that are likely to provide significant benefits to meet the objectives of this ordinance. Examples may include but are not limited to construction of a storm water detention basin or implementation of other storm water management plan activities, replacement of seawalls with bio-engineered structures, rain gardens, bio swales, water diversion of overland flow or removal of artificial sand beaches in compliance with all applicable statutes and provisions set forth in the Wisconsin Administrative Code. Up to 3 points.
- (b) Factors to be considered in making the determination of number of points and approval of alternative mitigation practices include, but are not limited to:
  - 1. Runoff diversion and/or retention.
  - 2. Lot configuration.
  - 3. Parcel size.
  - 4. Location of impervious areas.
  - 5. Sensitivity and level of development of the waterbody.
  - 6. Significance toward meeting ordinance objectives.
  - 7. Type, density and filtering capacity of vegetation/ground cover.
  - 8. Replacement of a failing private on-site wastewater treatment system with a code compliant system as permitted by current standards.
  - 9. Removal of existing impervious areas and structures.

**22.52 MITIGATION PLAN.** The application shall include the minimum of the following and comply with all requirements as described in section 22.35 of this ordinance:

- (1) A site plan that describes the proposed mitigation measures shall be designed and implemented to restore natural functions lost through development and human activities. The mitigation measures shall be proportional in scope to the impacts on water quality, near-shore aquatic habitat, upland wildlife habitat and natural scenic beauty.
  - (a) The plan shall be designed by an engineer, landscape architect, surveyor or other licensed contractor acceptable by the Brown County Zoning Administrator to offset the increased impervious surface as calculated by the county. The Brown County Zoning Administrator may determine that the mitigation area will be described by a metes and bounds description and staked on the lot by a professional land surveyor.
  - (b) An implementation schedule and enforceable obligation on the property owner to establish and maintain the mitigation measures shall be recorded in the office of the Brown County Register of Deeds.
- (2) The approved mitigation measures must be started within 1 year of the permit issue date. All plantings and any other activities must be completed within 2 years of the permit issue date.

**22.53 RECORDING REQUIREMENT.** The affidavit described in 22.52 of this ordinance, as modified by the county during the permitting process, must be recorded in the office of the Brown County Register of Deeds in order for the permit to be effective so that work may commence. If the affidavit is not recorded no permit shall be issued.

### **ADMINISTRATIVE PROVISIONS**

#### **22.54 PLANNING, DEVELOPMENT & TRANSPORTATION COMMITTEE.**

- (1) The committee shall oversee the functions of the zoning office; review and make recommendations to the Board of Adjustments of all proposed amendments to the shorelands and wetlands zoning ordinance map and text; and maintain a complete public record of all its proceedings as defined in s. 236.02(1), Wis. Stats., and required by s. 59.692(3), Wis. Stats.
- (2) The Planning, Development and Transportation Committee shall not grant variances or special exceptions to the terms of the ordinance.

**22.55 ZONING OFFICE (s. NR 115.05(4)).** There is hereby created the Brown County Zoning Office as authorized by s. 59.69, Wis. Stats. and a Brown County Board of Adjustment as authorized by s. 59.694, Wis. Stats. The appointment of a Zoning Administrator and such additional staff may occur as the workload may require. The Zoning Office shall exercise the following duties and powers:

- (1) Advise applicants as to the provisions of this ordinance and assist them in preparing permit applications and appeal forms.

- (2) Issue permits and certificates of compliance and inspect properties for compliance with this ordinance. A system of permits shall remain in place for new construction, development, reconstruction, structural alteration or moving of buildings and structures. A copy of applications shall be required to be filed in the office of the Brown County Zoning Administrator, unless prohibited by s. 59.692(1k), Wis. Stats.
- (3) Keep records of all permits issued, inspections made, work approved and other official actions.
- (4) A variance procedure which authorizes the Brown County Board of Adjustment to grant such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions and the adoption of this ordinance, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Provide copies of variances, special exceptions and decisions on appeals for map or text interpretations and map or text amendments within 10 days after they are granted or denied to the appropriate office of the Department.
- (5) Have access to any structure or premises between 7:30 a.m. and 4:30 p.m. for the purpose of performing his/her duties. Regular inspection of permitted work in progress to ensure conformity of finished structures with the terms of this ordinance.
- (6) Investigate and report violations of this ordinance to the appropriate Brown County Zoning Committee and the district attorney or corporation counsel as necessary.

#### **22.56 SHORELAND PERMITS.**

- (1) When required. Except where another section of this ordinance specifically exempts certain types of development from this requirement (as in sections 22.41(1) and 22.41(2)) hereof, a shoreland permit shall be obtained from the Brown County Zoning Administrator before any new development, as defined in section 22.64(h) of this ordinance, or any change in the use of an existing building or structure, is initiated.
- (2) Application. An application for a shoreland permit shall be made to the Brown County Zoning Administrator upon forms furnished by the county.
  - (a) Erosion control is required as per Best Management Practices.
- (3) Fees. As established in the annual county budget.
- (4) Expiration of permit. Shoreland permits shall expire 2 years from date of issuance.

**22.57 RELAXATION OF STANDARDS FOR PERSONS WITH DISABILITIES APPLIES TO ALL SHORELAND AREAS.** The Brown County Zoning office may issue a shoreland permit to relax the standards of this ordinance in order to provide reasonable accommodation of persons with disabilities as required by provisions of federal and state law. Such relaxation shall be consistent with federal guidelines for accommodation of persons with disabilities and shall, where practicable, be terminated when the facility is no longer in use by a disabled person. A person applying for a permit for construction under this section shall establish the nature and extent of the disability and that the relaxation requested is the minimum necessary to provide reasonable use of the facility.

## **22.58 SPECIAL EXCEPTION PERMITS.**

- (1) Application for a special exception permit. Any use listed as a special exception in this ordinance shall be permitted only after an application has been submitted to the zoning administrator and a special exception permit has been granted by the Brown County Board of Adjustment.
- (2) Standards applicable to all special exceptions. In passing upon a special exception permit, the Brown County Board of Adjustment shall evaluate the effect of the proposed use upon:
  - (a) The maintenance of safe and healthful conditions.
  - (b) The prevention and control of water pollution including sedimentation.
  - (c) Compliance with local floodplain zoning ordinances and opportunity for damage to adjacent properties due to altered surface water drainage.
  - (d) The erosion potential of the site based upon degree and direction of slope, soil type and vegetative cover.
  - (e) The location of the site with respect to existing or future access roads.
  - (f) The need of the proposed use for a shoreland location.
  - (g) Its compatibility with uses on adjacent land.
  - (h) The amount of liquid and solid wastes to be generated and the adequacy of the proposed disposal systems.
  - (i) Location factors under which:
    1. Domestic uses shall be generally preferred.
    2. Uses not inherently a source of pollution within an area shall be preferred over uses that are or may be a pollution source.
    3. Use locations within an area tending to minimize the possibility of pollution shall be preferred over use locations tending to increase that possibility.
- (3) Conditions attached to special exceptions. Upon consideration of the factors listed above, the Board of Adjustment shall attach such conditions, in addition to those required elsewhere in this ordinance, as are necessary to further the purposes of this ordinance. Violations of any of these conditions shall be deemed a violation of this ordinance. Such conditions may include specifications for, without limitation because of specific enumeration: type of shore cover; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking and signs; and type of construction. To secure information upon which to base its determination, the Brown County Board of Adjustment may require the applicant to furnish, in addition to the information required for a shoreland permit, the following information:
  - (a) A plan of the area showing surface contours, soil types, ordinary high-water marks, ground water conditions, subsurface geology and vegetative cover.

- (b) Location of buildings, parking areas, traffic access, driveways, walkways, piers, open space and landscaping.
  - (c) Plans of buildings, sewage disposal facilities, water supply systems and arrangement of operations.
  - (d) Specifications for areas of proposed filling, grading, lagooning or dredging.
  - (e) Other pertinent information necessary to determine if the proposed use meets the requirements of this ordinance.
- (4) Notice, public hearing and decision. Before acting upon an application for a special exception permit, the Board of Adjustment shall hold a public hearing. Notice of such public hearing, specifying the time, place and matters to come before the board, shall be given as a Class Two notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The Brown County Board of Adjustment shall state in writing the grounds for granting or refusing a special exception permit.
- (5) Recording. When a special exception permit is approved, an appropriate record shall be made of the land use and structures permitted and such permit shall be applicable solely to the structures, use and property so described. A copy of any decision on a special exception permit shall be provided to the appropriate district office of the Department within 10 days after it is granted or denied.
- (6) Revocation. Where the conditions of a special exception permit are violated, the special exception permit shall be revoked by the Brown County Board of Adjustment.

## **22.59 VARIANCES.**

- (1) Decision. The Brown County Board of Adjustment may grant upon appeal a variance from the dimensional standards of this ordinance where an applicant convincingly demonstrates that:
- (a) Literal enforcement of the provisions of this ordinance will result in unnecessary hardship on the applicant.
  - (b) The hardship is due to special conditions unique to the property.
  - (c) Such variance is not contrary to the public interest.
  - (d) The request represents the minimum relief necessary to relieve unnecessary burdens.
- (2) Notice, hearing and decision. Before acting on an application for a variance, the Brown County Board of Adjustment shall hold a public hearing. Notice of such hearing specifying the time, place and matters of concern, shall be given a Class Two notice under Ch. 985, Wis. Stats. Such notice shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing. The Brown County Board of Adjustment shall state in writing the reasons for granting or refusing a variance and shall provide a copy of such decision to the appropriate Department office within 10 days of the decision.

**22.60 BOARD OF ADJUSTMENT.** The County Executive shall appoint the Brown County Board of Adjustment consisting of 3 members and 2 alternates under s. 59.694(2), Wis. Stats. The county board shall adopt such rules for the conduct of the business of the Brown County Board of Adjustment as required by s. 59.694(3), Wis. Stats.

(1) Powers and duties.

- (a) The Brown County Board of Adjustment shall adopt such additional rules as it deems necessary and may exercise all of the powers conferred on such boards by s. 59.694(3), Wis. Stats.
- (b) It shall hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by an administrative official in the enforcement or administration of this ordinance.
- (c) It shall hear and decide applications for special exception permits pursuant to section 22.58 hereof.
- (d) It may grant a variance from the dimensional standards of this ordinance pursuant to section 22.59 hereof.
- (e) In granting a special exception permit or variance, the board may not impose conditions which are more restrictive than any of the specific standards in this ordinance. Where this ordinance is silent as to the extent of restriction, the Brown County Board of Adjustment may impose any reasonable permit conditions to affect the purpose of this ordinance.

(2) Appeals to the Brown County Board of Adjustment. Appeals to the Brown County Board of Adjustment may be made by any person aggrieved or by an officer, department, board or bureau of the county affected by any decision of the Zoning Administrator or other Administrative Officer. Such appeal shall be made within a reasonable time, as provided by the rules of the Board of Adjustment by filing with the officer whose decision is in question, and with the Brown County Board of Adjustment, a notice of appeal specifying the reasons for the appeal. The Brown County Zoning Administrator or other officer whose decision is in question shall promptly transmit to the board all the papers constituting the record concerning the matter appealed.

(3) Hearing appeals and applications for variances and special exception permits.

- (a) The Brown County Board of Adjustment shall fix a reasonable time for a hearing on the appeal or application. Said Board shall give public notice thereof by publishing a Class 2 notice under Ch. 985, Wis. Stats, specifying the date, time and place of the hearing and the matters to come before it. Notice shall be mailed to the parties in interest. Written notice shall be given to the appropriate district office of the Department at least 10 days prior to hearings on proposed shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations.
- (b) A decision regarding the appeal or application shall be made as soon as practical. Copies of all decisions on shoreland variances, special exceptions (conditional uses), and appeals for map or text interpretations shall be submitted to the appropriate district office of the Department within 10 days after they are granted or denied.

- (c) The final disposition of an appeal or application to the Brown County Board of Adjustment shall be in the form of a written resolution or order signed by the chairman and secretary of said Board. Such resolution shall state the specific facts which are the basis of the Brown County Board of Adjustment's determination and shall either affirm, reverse, vary or modify the order, requirement, decision or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or prosecution or grant the application.
- (d) At the public hearing, any party may appear in person or by agent or by attorney.

**22.61 FEES.** As established in the annual county budget.

### **ORDINANCE CHANGES**

**22.62 CHANGES AND AMENDMENTS.** The county board may from time to time, alter, supplement or change the boundaries of use districts and the regulations contained in this ordinance in accordance with the requirements of s. 59.692, Wis. Stats., ch. NR 115, Wis. Adm. Code and section 22.44 of this ordinance where applicable.

- (1) Amendments to this ordinance may be made on petition of any interested party as provided in s. 59.692, Wis. Stats.
- (2) Every petition for a text or map amendment filed with the county clerk shall be referred to the county zoning agency. A copy of each petition shall be mailed to the appropriate office of the Department within five days of the filing of the petition with the county clerk. Written notice of the public hearing to be held on a proposed amendment shall be provided to the appropriate district office of the Department at least 10 days prior to the hearing.
- (3) A copy of the county board's decision on each proposed amendment shall be forwarded to the appropriate district office of the Department within 10 days after the decision is issued.

### **VIOLATIONS**

**22.63 ENFORCEMENT AND PENALTIES.**

- (1) Any violation of the provisions of this ordinance by any person, firm, association, corporation (including building contractors) or his/her or their agent is hereby declared to be unlawful. A violator shall, upon conviction, forfeit to the county a penalty as specified under Chapter 30 of the Brown County Code. Each day during which such violation exists shall constitute a separate offense.
- (2) Every violation of this ordinance is a public nuisance, and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the county, the state, or any citizen thereof. Any such violator may be required to forfeit as specified under Chapter 30 of the Brown County Code. Each day during which such violation exists shall constitute a separate offense.



## **EXPLANATION OF TERMS AND WORDS**

### **22.64 DEFINITIONS.**

- (1) For the purpose of administering and enforcing this ordinance, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; and words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.
- (2) The following terms or words used in this ordinance mean:
  - (a) "ACCESS AND VIEWING CORRIDOR" – means a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.
  - (b) "ACCESSORY STRUCTURE OR USE" - means a detached subordinate structure or a use which is clearly incidental to, and customarily found in connection with, the principal structure or use to which it is related, and which is located on the same lot as the principal structure or use.
  - (c) "AGRICULTURAL PRACTICE" - has the meaning found in s. 281.16 (1)(b), Wis. Stats.

NOTE: Section 281.16 (1)(b), Wis. Stats., defines "agricultural practice" to mean "beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising."

- (d) "BOATHOUSE" - means a permanent structure used for the storage of watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts.
- (e) "BUILDING ENVELOPE" - means the three dimensional space within which a structure is built.
- (f) "COUNTY ZONING AGENCY" - means that committee or commission created or designated by the county board under s. 59.69(2)(a), Wis. Stats., to act in all matters pertaining to county planning and zoning.
- (g) "DEPARTMENT" - means the Department of Natural Resources.
- (h) "DEVELOPMENT" - means any man-made change to improved or unimproved real estate, including, but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of mobile homes; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations, and the deposition or extraction of earthen materials.

- (i) "DISABLED" - means having a physical or mental impairment that substantially limits one or more major life activities.
- (j) "DRAINAGE SYSTEM" - means one or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
- (k) "EXISTING DEVELOPMENT PATTERN" - means that principal structures exist within 250 feet of a proposed principal structure on each lot in both directions along the shoreline.
- (l) "FLOODPLAIN" - means the land which has been or may be hereafter covered by flood water during the regional flood as shown on the county's official floodplain zoning maps. The regional flood is based upon a statistical analysis of stream flow records available for the watershed or an analysis of rainfall and runoff characteristics in the general watershed region, or both. The flood frequency of the regional flood is once in every 100 years. In any given year, there is a one % chance that the regional flood may occur.

NOTE: "Floodway" is defined in s. NR 116.03 (22) to mean "the channel of a river or stream, and those portions of the floodplain adjoining the channel required to carry the regional flood discharge."

- (m) "IMPERVIOUS SURFACE" - means an area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.
- (n) "MITIGATION" - means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.
- (o) "NAVIGABLE WATERS" - means Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under s. 281.31(2)(d), Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under s. 59.692, Wis. Stats., and ch. NR 115, Wis. Adm. Code, do not apply to lands adjacent to:
  - 1. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river and such lands were not navigable streams before ditching; and
  - 2. Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body.
- (p) "ORDINARY HIGH-WATER MARK" - means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized

characteristics. Field locating the ordinary high-water mark on the Bay of Green Bay shall not exceed the elevation of 583 feet, IGLD85 unless deemed appropriate by the zoning administrator to set higher based on site conditions per this definition of ordinary high-water mark. The all-time historic high water elevation of the Bay is 582.35 feet, IGLD85 as calculated by the Army Corps of Engineers (USACOE).

- (q) "REGIONAL FLOOD" - means a flood determined to be representative of large floods known to have generally occurred in Wisconsin and which may be expected to occur on a particular stream because of like physical characteristics, once in every 100 years.
- (r) "REASONABLE ACCOMMODATION" - means allowing a disabled person to deviate from the strict requirements of this ordinance if an accommodation is necessary and reasonable, in order not to unlawfully discriminate against the disabled person and to allow them equal housing opportunity.

NOTE: Federal courts have interpreted the "reasonable accommodations" requirement in the Federal Fair Housing Act to mean that an accommodation is reasonable "if it does not cause any undue hardship or fiscal or administrative burdens on the municipality, or does not undermine the basic purpose that the zoning ordinance seeks to achieve." Oxford House, Inc. v. Town of Babylon, 819 F. Supp. 1179, 1186 (E.D.N.Y. 1993)

- (s) "ROUTINE MAINTENANCE OF VEGETATION" – means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.
- (t) "SHORELANDS" and "SHORELAND ZONE" - have the meaning found in s.59.692 (1)(b), Wis. Stats.

NOTE: Section 59.692 (1)(b), Wis. Stats., defines "shorelands" to mean "the area within the following distances from the ordinary high-water mark of navigable waters, as defined under s. 281.31 (2)(d), Wis. Stats.:

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the ordinary high-water mark of the lake.
2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.

- (u) "SHORELAND-SETBACK" – also known as the "shoreland setback area" in s.59.692(1)(bn), Wis. Stats., means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under section 59.692, Wis. Stats.
- (v) "SHORELAND-WETLAND DISTRICT" - means the zoning district, created as a part of this shoreland zoning ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.
- (w) "SPECIAL EXCEPTION (CONDITIONAL USE)" - means a use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Board of Adjustment or, where appropriate, the planning and zoning committee or county board.

- (x) "STRUCTURE" - means any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, a river bed, stream bed or lake bed or upon another structure. For the purpose of this chapter, the term "structure" includes garages, sheds, boathouses, sidewalks, walkways, retaining walls, porches, fire pits, patios, and decks, but does not include landscaping or earthwork including graded areas, filled areas, ditches, berms, or earthen terraces. The term "structure" does not include small objects that are easily moved by hand, such as canoes, kayaks, lawn chairs, portable grills, portable picnic tables, temporary snow fences, small temporary fences around individual plants or small groups of plants to prevent animal herbivory, bird feeders, birdhouses and birdbaths.
- (y) "UNNECESSARY HARDSHIP" - means that circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.
- (z) "VARIANCE" - means an authorization granted by the Brown County Board of Adjustment to construct, alter or use a building or structure in a manner that deviates from the dimensional standards of this ordinance.
- (aa) "VEGETATIVE BUFFER ZONE" – means an area along, and parallel to, the ordinary high-water mark, 35 feet from the water's edge, that is either undisturbed or restored with native vegetation that provides or will provide natural features and functions for fish and wildlife habitat, water quality protection, and natural scenic beauty. This area may change based on mitigation measures designed by a professional landscape architect or professional stormwater engineer to compensate for and be proportional in scope to the impacts on the lot.
- (bb) "WETLAND" - has th found in s 23.32 (1), Wis. Stats. Means an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions."

**Section 3** – This Ordinance shall become effective upon passage and publication pursuant to law.

Respectfully submitted,  
PLANNING, DEVELOPMENT & TRANSPORTATION

Fiscal Note: This resolution does not require an appropriation from the General Fund.  
Final Draft Approved by Corporation Counsel

Approved By:

Troy Streckenbach                      09/28/2016  
County Executive                      (Date)

Sandra L. Juno                      09/28/2016  
County Clerk                      (Date)

Patrick Moynihan                      09/28/2016  
County Board Chair                      (Date)

A motion was made by Supervisor Sieber and seconded by Supervisor De Wane **“to adopt”**. Voice vote taken. Motion carried with no abstentions.

**Executive Committee and Public Safety Committee**

**No. 10I -- RESOLUTION REGARDING THE POSITION OF CHIEF DEPUTY IN THE SHERIFF'S DEPARTMENT**

TO THE HONORABLE CHAIRMAN AND MEMBERS  
OF THE BROWN COUNTY BOARD OF SUPERVISORS

Ladies and Gentlemen:

**WHEREAS**, the position of Chief Deputy at the Brown County Sheriff's Department is a supervisory position, second in command to the Sheriff and is not a union position; and,

**WHEREAS**, the Chief Deputy position was not a part of the Classification and Compensation Plan (“New Plan”) approved by the Board of Supervisors in May, 2015, and therefore did not receive a wage adjustment in 2016; and,

**WHEREAS**, prior to May, 2015, the Chief Deputy was a part of the previous Administrative Classification and Compensation Plan (“Previous Plan”); and,

**WHEREAS**, the Human Resources Department completed a thorough evaluation of the Chief Deputy position to determine placement within the New Plan; and,

**WHEREAS**, the Chief Deputy position was placed in the Previous Plan in Pay Grade 28 with a salary range of \$80,590 - \$95,895. ~~Other positions in this pay grade included the Airport Director, Director of Port and Resource Recovery, Director of Public Safety Communication and the Zoo Director; and,~~

**WHEREAS**, in the New Plan, the above positions are in the following pay grades:

Airport Director	<del>PG 3</del>	<del>\$77,949 - \$116,923</del>
Director of Port and Resource Recovery	<del>PG 3</del>	<del>\$77,949 - \$116,923</del>
Director of Public Safety Communications	<del>PG 5</del>	<del>\$67,418 - \$101,127</del>
Zoo Director	<del>PG 4</del>	<del>\$72,492 - \$108,739</del>

**WHEREAS**, the comparable data from three counties to obtain market data include:

County	Salary Range	2014	2015	2016
Outagamie	\$78,607 - \$99,059	\$ 92,895	\$ 97,117	\$ 99,059
Winnebago	\$81,004 - \$86,189	\$ 85,554		
Racine		\$106,013	\$107,074	\$108,145

**WHEREAS**, the salary set by the Board of Supervisors for the Sheriff is as follows:

2014	\$ 91,000
2015	\$100,370
2016	\$103,370
2017	\$106,370
2018	\$109,370

**WHEREAS**, based on internal equity and market comparable data, the Chief Deputy position in the Sheriff's Department should be placed in Pay Grade 3 of the New Plan which has a range of \$77,949 - \$116,923 with a market rate of \$97,436. The Chief Deputy currently has a salary of \$95,069; and,

**WHEREAS**, in the 2016 budget, the Board of Supervisors approved a wage adjustment increase of 3% for employees with a pay rate below mid-point, an increase of 2% for employees with a pay rate at mid-point, an increase of 1% for employees with a pay rate above mid-point, an increase of .5% for employees with a pay rate above maximum, and increase any employee with a pay rate below minimum to the minimum pay rate plus 3%, with the intent to issue the above percentage that brings employees closest to their market rate; and,

**WHEREAS**, the Chief Deputy position would be entitled to a 2.0% wage adjustment retroactive to January 1, 2016; and,

**NOW THEREFORE BE IT RESOLVED**, the Chief Deputy in the Brown County Sheriff's Department table of organization be placed in Pay Grade 3 of the Classification and Compensation Plan; and,

**BE IT FURTHER RESOLVED**, the Chief Deputy position be awarded a 2.0% wage adjustment in the 2016 budget retroactive to January 1, 2016; and,

**BE IT FURTHER RESOLVED**, that the funds to cover the costs resulting from the adoption of this resolution shall be made available from funds budgeted for this purpose.

Respectfully submitted,  
PUBLIC SAFETY COMMITTEE &  
EXECUTIVE COMMITTEE

Approved By: \_\_\_\_\_/s/ Troy Streckenbach\_\_\_\_\_

Date: 09/28/16

*Fiscal Note: This resolution does not require an appropriation from the General Fund. The salary increase of \$1,900.00 is within the Sheriff's 2016 Department Budget.*

Approved by Corporation Counsel

A motion was made by Supervisor Buckley and seconded by Supervisor Hoyer **"to adopt"**. Voice vote taken. Motion carried unanimously with no abstentions.

**ATTACHMENT TO #10L ON**  
**THE FOLLOWING PAGE**

PLANNING COMMISSION

Brown County

305 E. WALNUT STREET, ROOM 320  
P.O. BOX 23600  
GREEN BAY, WISCONSIN 54305-3600

PHONE (920) 448-6480 FAX (920) 448-4487  
WEB SITE [www.co.brown.wi.us/planning](http://www.co.brown.wi.us/planning)



CHUCK LAMINE, AICP

PLANNING DIRECTOR

RESOLUTION/ORDINANCE SUBMISSION TO COUNTY BOARD

DATE: July 14, 2016  
REQUEST TO: Planning Development and Transportation Committee  
MEETING DATE: August 22, 2016  
REQUEST FROM: Chuck Lamine  
Director of Planning and Land Services

REQUEST TYPE: ☐ New resolution ☐ Revision to resolution  
☐ New ordinance ☒ Revision to ordinance

TITLE: Brown County Code Chapter 21, Land Division and Subdivision Ordinance Update

**ISSUE/BACKGROUND INFORMATION:**

Due to changes in Wisconsin Administrative Code NR 115, Wisconsin's Shoreland Protection Program, and subsequent changes to Brown County Code Chapter 22, a slight modification to Brown County Code Chapter 21 (section 21.70) is necessary to ensure consistency between these ordinances.

**ACTION REQUESTED:**

The Planning and Land Services Department staff is seeking approval of the change to Brown County Code Chapter 21 that is associated with the update to Brown County Code Chapter 22.

**FISCAL IMPACT:**

**NOTE:** This fiscal impact portion is initially completed by requestor, but verified by the DOA and updated if necessary.

1. Is there a fiscal impact? ☐ Yes ☒ No
  - a. If yes, what is the amount of the impact? \$ \_\_\_\_\_
  - b. If part of a bigger project, what is the total amount of the project? \$ \_\_\_\_\_
  - c. Is it currently budgeted? ☐ Yes ☐ No
    1. If yes, in which account? \_\_\_\_\_
    2. If no, how will the impact be funded? \_\_\_\_\_

☒ COPY OF RESOLUTION OR ORDINANCE IS ATTACHED



**No. 10m -- ORDINANCE AMENDING SECTIONS 4.93 OF CHAPTER 4 OF THE BROWN COUNTY CODE ENTITLED "GRIEVANCE PROCEDURE"**

A motion was made by Vice Chair Lund and seconded by Supervisor Ballard to **"refer back to Executive Committee"**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 11 -- CLOSED SESSIONS - NONE**

**No. 12 -- SUCH OTHER MATTERS AS AUTHORIZED BY LAW - NONE**

**No. 13 -- Bills over \$5,000 for period ending August 31, 2016.**

A motion was made by Supervisor Brusky and seconded by Supervisor Gruszynski **"to pay the bills for the period ending August 31, 2016"**. Voice vote taken. Motion carried unanimously with no abstentions.

**No. 14 -- Closing Roll Call.**

Present: Sieber, De Wane, Nicholson, Hoyer, Gruszynski, Lefebvre, Erickson, Zima, Evans, Vander Leest, Buckley, Landwehr, Dantine, Brusky, Ballard, Kaster, Van Dyck, Linssen, Kneiszel, Clancy, Campbell, Moynihan, Schadewald, Lund, Becker

Excused: Blom

**No. 15 -- Adjournment to Wednesday, October 19, 2016 at 7:00 p.m., Legislative Room 203, 100 N. Jefferson Street, Green Bay, Wisconsin.**

A motion was made by Supervisor Sieber and seconded by Supervisor Lefebvre **"to adjourn to the above date and time"**. Voice vote taken. Motion carried unanimously with no abstentions.

Meeting Adjourned at: 11:34p.m.

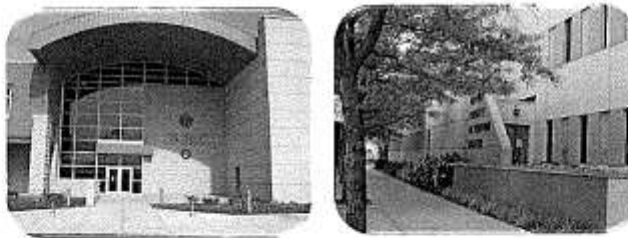
/s/ Sandra L. Juno  
SANDRA L. JUNO  
Brown County Clerk

**POTENTIAL JAIL EXPANSION PRESENTATION ATTACHMENTS**  
**INCLUDED ON THE FOLLOWING PAGES**



## Brown County Sheriff's Office

### Jail Division



### History of Boarded Prisoners/Costs for Brown County

- 1989 \$10,967
- 1990 \$54,054
- 1991 \$48,100
- 1992 \$124,350
- 1993 \$320,354
- 1994 \$550,062
- 1995 \$689,275
- 1996 \$1,062,582
- 1997 \$1,226,138
- 1998 \$2,483,087
- 1999 \$3,343,578
- 2000 \$3,873,853
- 2001 \$1,469,102
- Total from 1989-2001 \$14,760,502

## Brown County Jail Topics

- Housing Capabilities and Average Daily Population (ADP)
- Jail Classification
- Jail Pods/Cellblocks with Population details
- Open beds-locations and explanations
- Booking and Population trends
- Sentenced/Non-Sentenced details
- Felony/Misdemeanor details
- Bond Amount details
- Probation Hold details
- Projections
- Summary

## Housing Numbers

- Dept. of Corrections Rated Capacities
  - Main Jail (3030 Curry Lane) - 543
  - Work Release Center (125 S. Adams) - 207
  - Total - 750
  - Maximum Number of Adult Inmates - 713
  - Maximum Number of Juveniles - 37
- YTD Average Daily Population
  - Total Main Jail Population =
  - Main Jail (not including juvenile or boarded) - 457.5
    - Juvenile - 17.6
    - Boarded (State and Federal Inmates) - 16.9
  - Work Release Center -
    - Huber - 87.2
    - Lock-Up - 115.9
  - Electronic Monitor Program (EMP) -
  - Brown County Inmates Currently Shipped - (Shipped the first inmate's out to Outagamie county beginning in June 2016 for a )
  - Average Daily Population - (minus EMP and Shipped Inmates, includes juveniles)
  - Average housed in Brown County -
  - Average Daily Population Adult Inmates housed - (minus shipped inmates and juveniles)
  - Which means the Jail averages 35.5 Adult beds available daily.

## Classification Levels

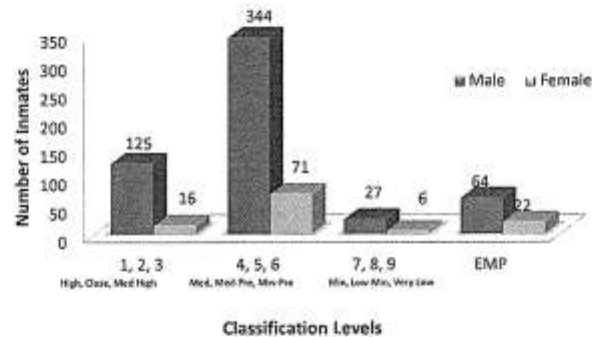
- ⊙ Higher security
  - 1 – High, 2 – Close, 3 – Medium High
- ⊙ 4, 5, 6
  - 4 – Medium
  - 5 – Medium pre-sentenced, higher risk
  - 6 – Minimum pre-sentenced, low risk
- ⊙ 7, 8, 9
  - 7 – minimum, 8-low minimum, 9-very low
  - Eligible for EMP

## Classification Levels For Adult Inmates Housed in Jail

Classification Level Comparison



### Classification Level Breakdown – July 2016



\*\* Excludes juveniles and inmates who have not yet been classified

### Classification Housing Assignments

- Inmates classified 1, 2, or 3 are normally housed in Fox and Gulf pods (males) and Hotel (females)
- Inmates classified 4, 5, or 6 are normally housed in Alpha, Bravo, Charlie, Delta, Echo, Kilo, and the WRC – Hotel (females)
- Inmates classified 7, 8, or 9 are normally housed at WRC 4<sup>th</sup> and 5<sup>th</sup> Floors (Huber) or on EMP – Huber females 2<sup>nd</sup> floor WRC

## Main Jail Housing - DOC Approved Ratings

- Alpha, Bravo, Charlie and Delta Pods
  - Direct supervision
  - Low to Medium security inmates
  - 62 beds each – double bunks
  - Operates near capacity (60-64 inmates)

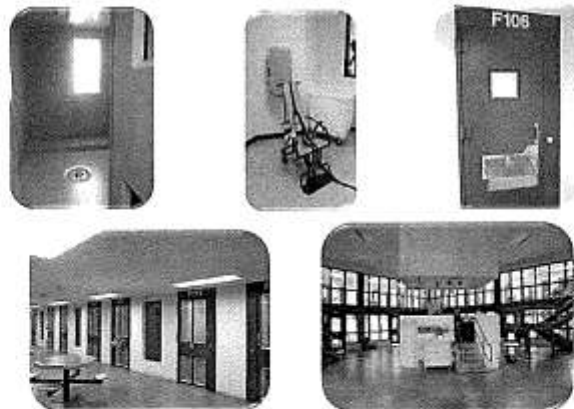


- Echo Pod
  - Inmate workers
  - Both Huber privileged (non-secure kitchen) and lower security inmates (secure side)
  - 40 beds
  - Normally operates above capacity (40-44 inmates)



- Fox Pod
  - High Security – Discipline, Special Needs, Medical/Mental Health, and Protective Custody
  - 55 beds – no double bunks
    - Includes the 2 safety cells: padded cells and 3 medical observation cells
  - Operates near capacity
    - Difficult to manage at capacity due to the space needed for problem inmates
  - Current population is at 50/55, which means all cells full except for the special cells
    - Special needs cells are only used for short periods of time
      - checks are done every 15 minutes

### Fox Pod



- Gulf pod
  - Medium/High Security
  - 56 Beds – no double bunks per DOC guidelines
  - Part of the requirement for DOC 350 to have 15% of overall capacity to be single cells
  - Transitional beds to Direct Supervision
  - Operates at capacity 56 inmates daily



- Hotel Pod
  - Female pod – all security levels in different dayrooms
  - 44 beds – mix of single and double cells
  - Always operating above capacity – inmates on the floor (45-50 inmates daily)



- India

- Assessment Center, Receiving Unit, Detox Unit, Pre-Classification Housing unit
- 49 beds – mix of single and double cells
- Must maintain available beds for any new bookings
- 7-10 female overflow average / day
  - Averages 10,000 bookings each year
- All security levels



- Juliet Pod

- Currently Juvenile, but will be transitioning to adult beds
- 2016 ADP is 17.4
- Brown County Only ADP – (Males = 6.2, Females = 2.2)
- By Department of Corrections regulations, adults cannot be housed in the pod with juveniles due to sight/sound separation.
- 37 beds
- Operates below capacity (17-24 inmates)





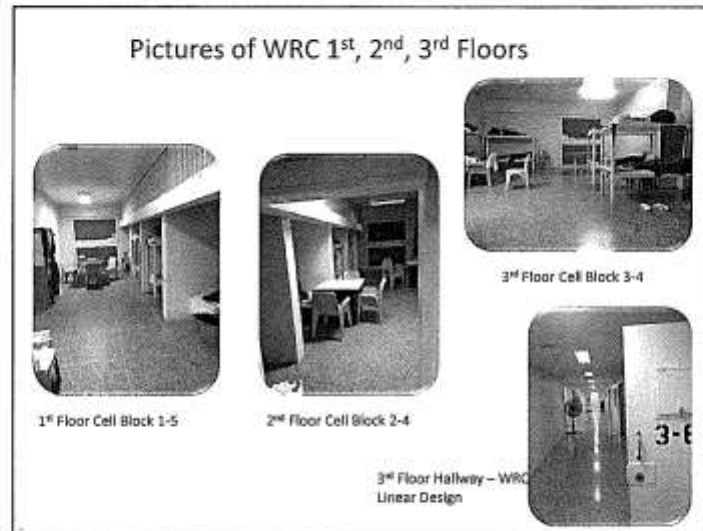
- Kilo Pod

- Currently adult, but will be transitioning to Juvenile beds
- 2 dayrooms with 17 beds total
- Medium classification
- Operates at capacity 17 inmates daily
- This is the first Jail Pod closed if population allows



Juliet – Kilo  
(Adult-Juvenile Pods)  
Transition Explanation

- Why we are making the change (Advantages)
  - Creates additional adult beds
  - Allows for the jail to run closer to full capacity by DOC standards
- Impact of the change (Disadvantages)
  - Limitations on Programming for Juveniles in Kilo
    - Less classroom space and functionality
  - Limited ability to separate types of Juveniles and restricted space for disciplinary issues
  - Kilo was not designed for long term Juvenile housing
    - 2 dayrooms to allow for male/female separation only and not by age appropriation



- Floor 4
  - Not approved to house lockup inmates per DOC code
  - Male inmates sentenced with Huber
  - Medium and minimum classifications
  - 38 beds in 3 blocks
  - Operates slightly under capacity (30-38 inmates)
- Floor 5
  - Not approved to house lockup inmates per DOC code
  - Male inmates sentenced with Huber
  - Medium and minimum classifications
  - 38 beds in 3 blocks
  - Operates slightly under capacity (30-35 inmates)

### 4<sup>th</sup> and 5<sup>th</sup> Floor Huber Section Pictures



4<sup>th</sup> Floor Cell Block 4-1



Huber section 4<sup>th</sup> Floor  
Dayroom



5<sup>th</sup> Floor Cell Block 5-3

### Electronic Monitor Program (EMP)

- Utilizes classification system to place inmates on program in their home.
- Must have Huber privileges
- Must be a 7, 8 or 9 classification level, however not everyone qualifies
  - Sex offenders, Domestic Violence Considerations, OWI 5 + (alcohol issues), Weapon offenses, etc.
  - Homeless, refusal to participate (work)
  - Risk to the community

## Where Are the Open Beds?

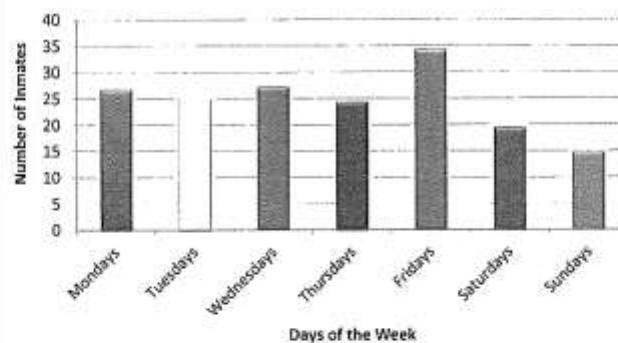
- Fox Pod
  - Needs open beds for discipline/special needs
  - On average has 5-10 beds available
- Juliet Pod
  - Only houses juveniles
  - Rated capacity: 37
  - On average has 20 available beds
- India Pod
  - There are a maximum of 39-42 beds available to house new bookings
  - 2016 Weekends (F-S-S) average 68.73 new bookings – some may book and release
  - Housing fluctuates – goes from several beds open to inmates sleeping on the floor (Average of about 20 beds available)

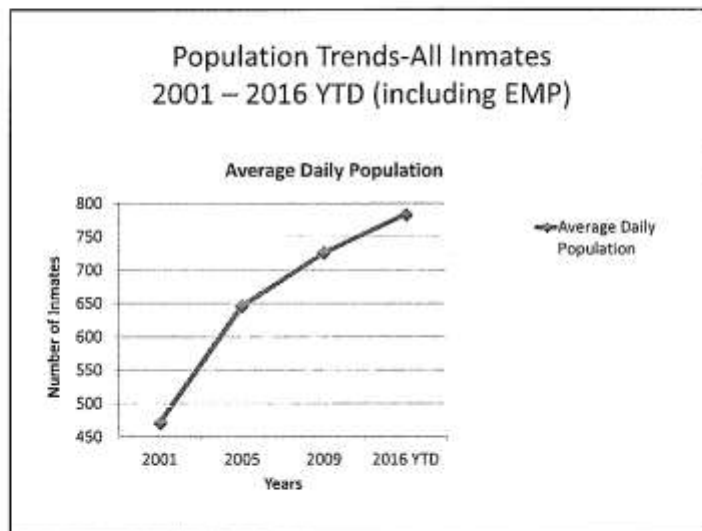
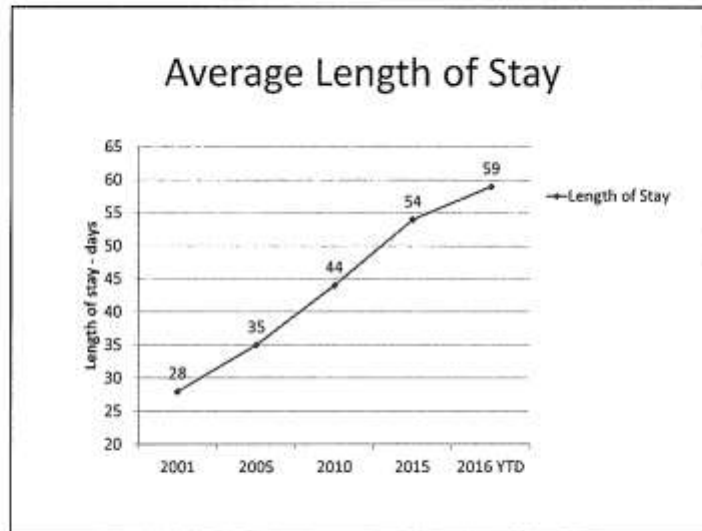
- Work Release Center (WRC)
  - 4<sup>th</sup> and 5<sup>th</sup> floor are Huber only
  - On average has 5 -10 beds available
- Huber space is not a current issue. We typically operate with 5-10 beds vacant in this area.
- EMP has assisted in reduction of Huber sentenced inmates with the greatest impact on the 4<sup>th</sup> and 5<sup>th</sup> floors of the WRC.
- Current jail population doesn't allow for Jail Administration to fill the 4<sup>th</sup> and 5<sup>th</sup> floors.
  - Limited numbers of Huber candidates
  - Huber candidates are targeted by EMP
  - Those that fail on Huber (revoked – i.e. AWOL, use of drugs/alcohol) end up in Lockup

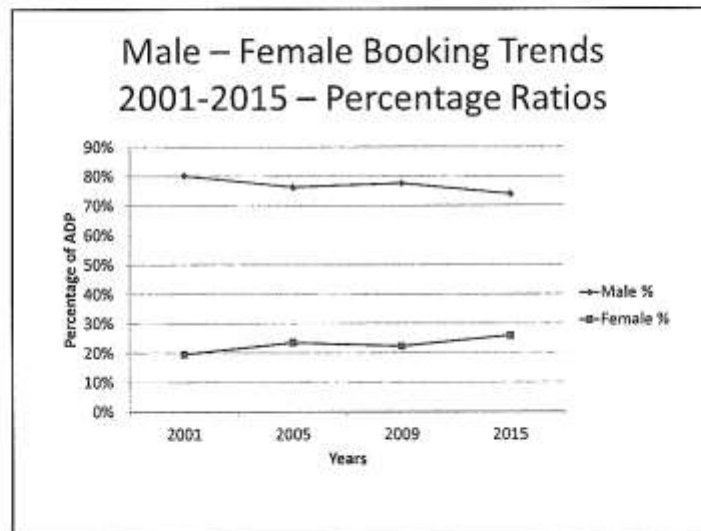
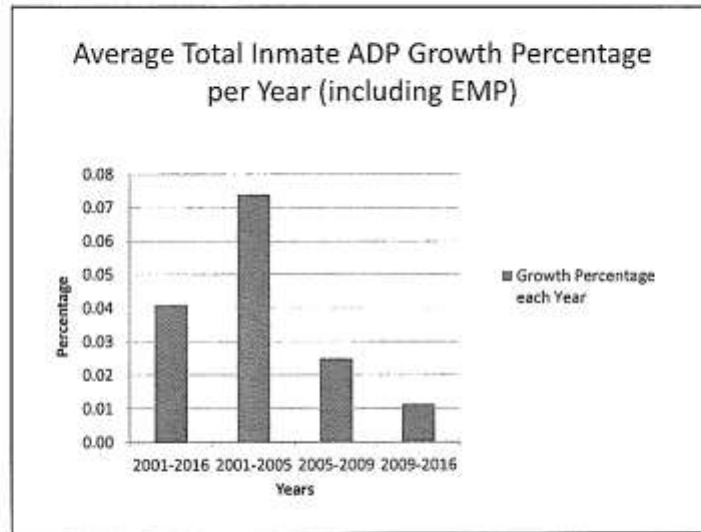
## Jail Bookings

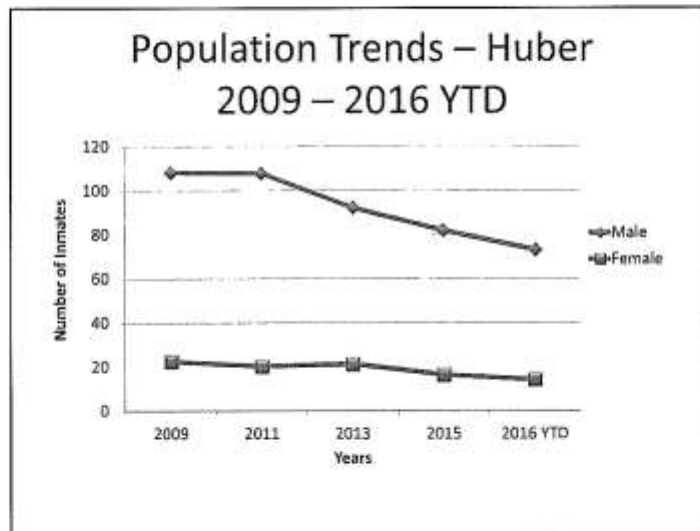
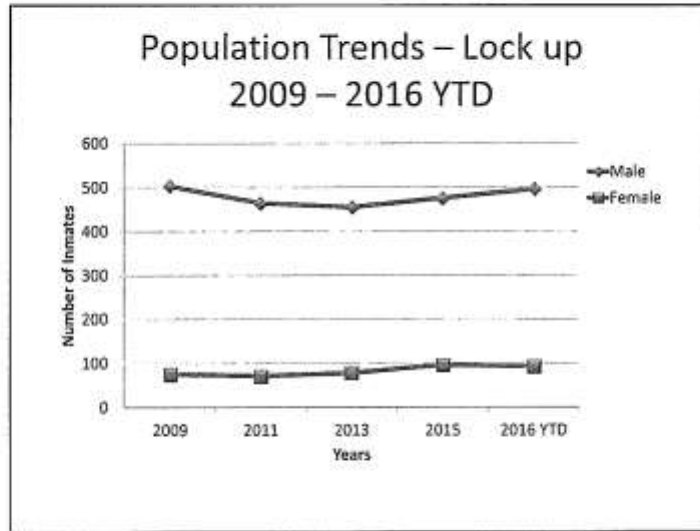
- This includes the following:
  - Officer brings someone in on new charge
  - Warrant arrest
  - PO hold
  - Person reporting to jail for sentence (Walk in)
  - Judge orders into custody by Officers at court to begin sentence or for violation of court order
- Court appearances for Initial Appearances are only M-F at 2:30 PM
  - No courts are held on Holidays or weekends
- The number of people held in jail is impacted by court scheduling, due to this the Jail Population in India pod is highest on Mondays prior to court.

## Average Bookings per Day – 2016 YTD

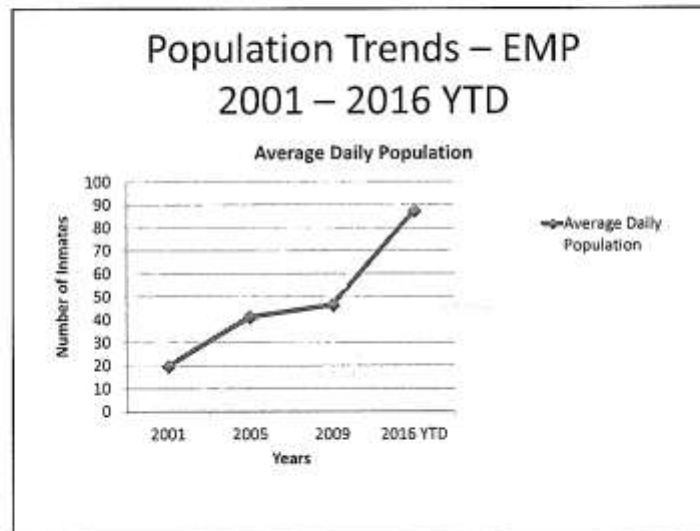
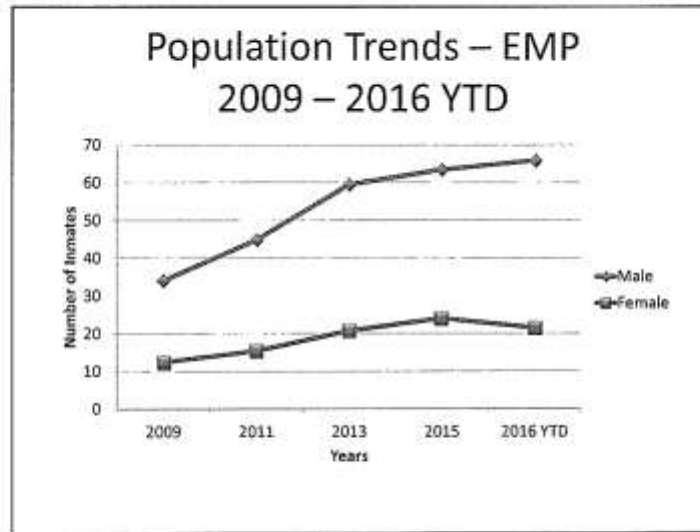


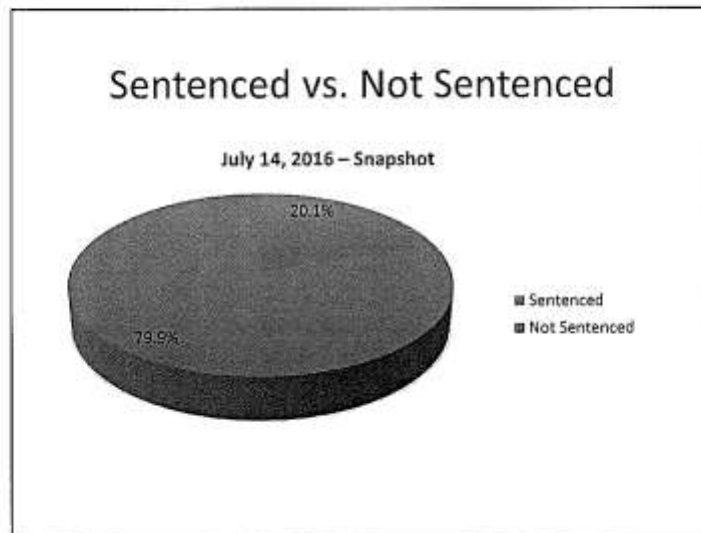
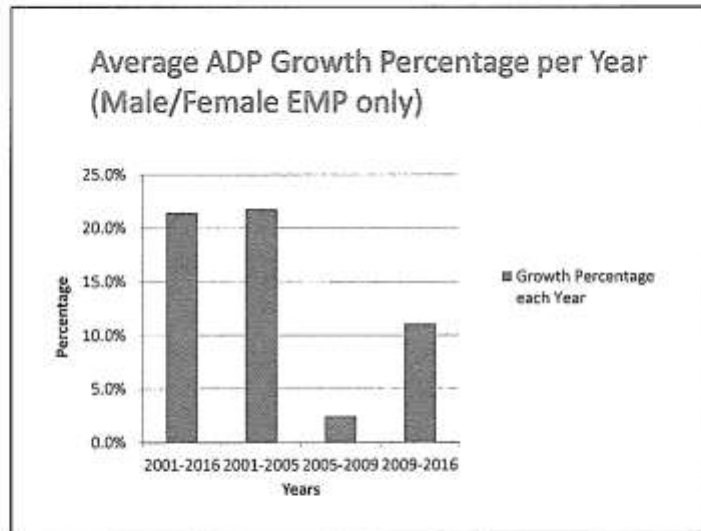


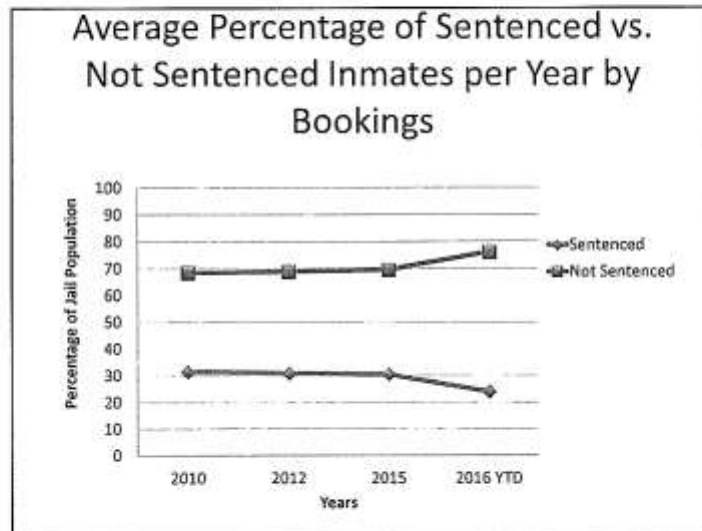
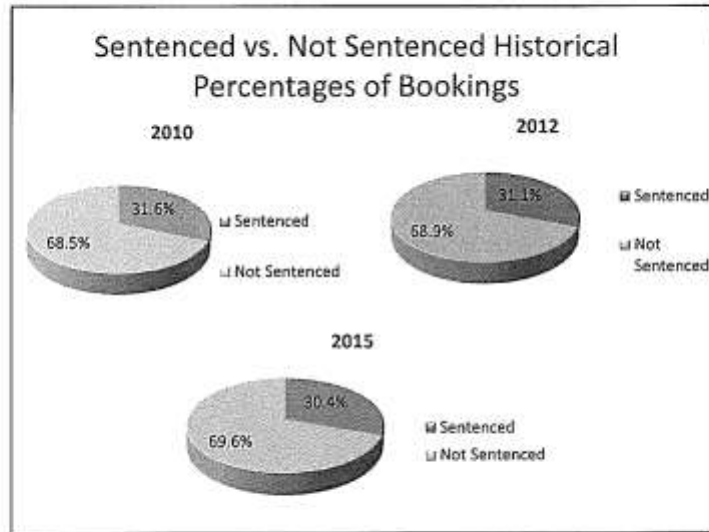


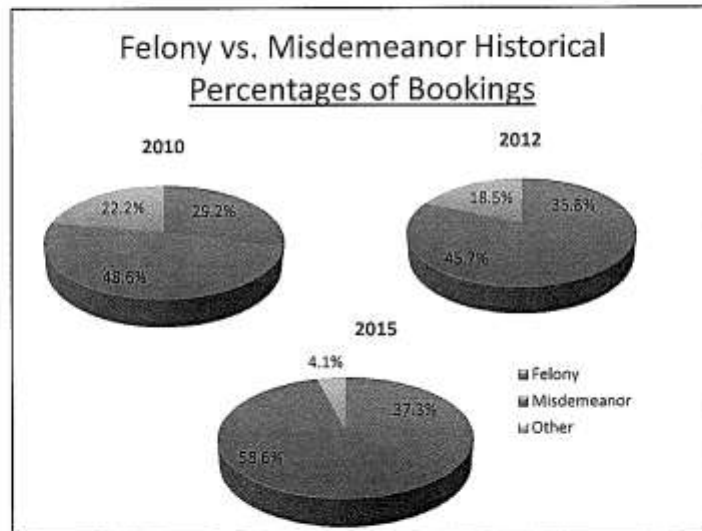


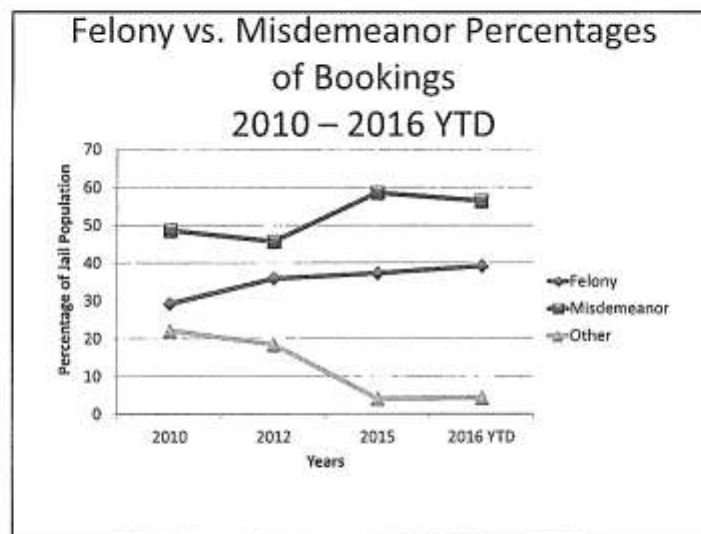










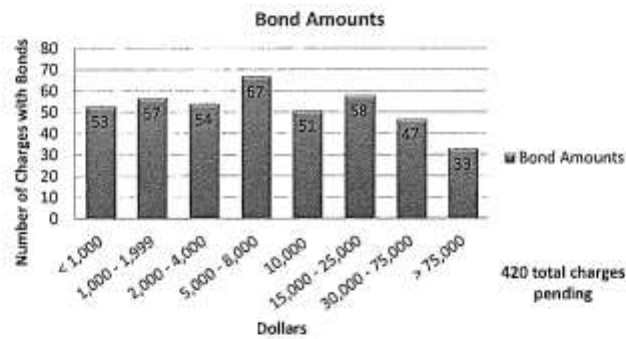


### Felony vs. Misdemeanor Explanation Between Bookings and Housing

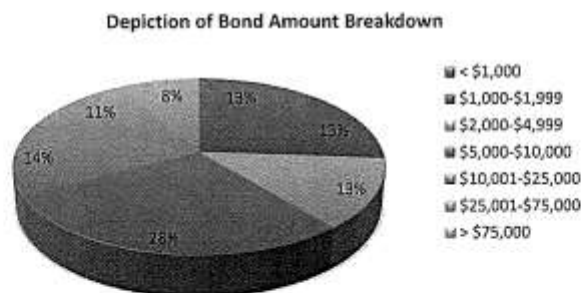
- Number of felony bookings per year have increased by 10% over the past 6.5 years
- Even though felony bookings make up about 40% of overall bookings, felony offenders represent approximately 69% of the jail population currently
  - Felony offenders are less likely to be released from custody resulting in an increase in the percentage of inmates being housed with felony charges pending

\*\* Historical data for housed inmates Felony vs. Misd. is not available at this time

## Bond Amounts for Inmate Charges – July 2016



## Bond Amounts for Inmate Charges by Percentage – July 2016



### Probation Hold Process

- Person comes in on a PO hold for a maximum of 10 business days barring any supervisory exceptions
  - May be held on just a PO hold
  - May have new charges pending and the PO Hold (DA's office may not issue charges immediately)
- PO makes decision to seek revocation
  - No revocation = released
  - Seek revocation = hearing in front of ALJ, unless the inmate revokes themselves

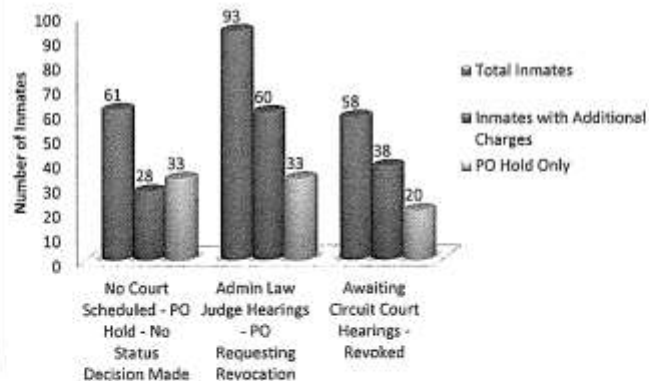
### Probation Hold Process Cont.

- Must appear in front of Administrative Law Judge (ALJ) for revocation hearing
  - ALJ decides to revoke or deny PO's request
    - No revocation = released
    - If the ALJ decides to revoke, then original sentencing guidelines are followed
      - Imposed and stayed – ALJ follows initial sentencing guidelines and inmate is released or becomes a sentenced inmate (may be jail or prison)
      - Sentenced withheld – inmate must return to sentencing court
- Circuit Court appearance for sentencing
  - Judge may sentence to prison or jail
    - Inmate may already have time served and is released

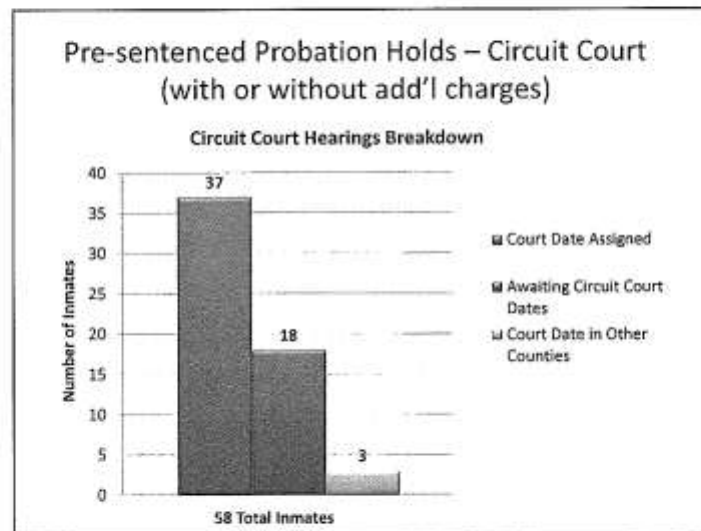
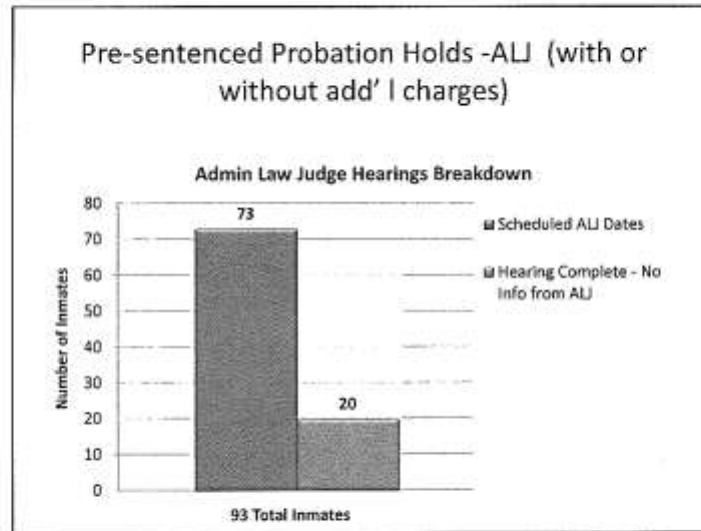
## Probation Holds – 212 Inmates Current July 15, 2016

- 86 Inmates with PO holds only (no other charges)
  - 33 are Temporary Probation Hold only (10 days or less depending upon movement to a decision to revoke).
  - 33 are waiting for a Dept. of Corrections – Administrative Law Judge hearing.
  - 20 are waiting for an appearance in Circuit Court for Probation Revocation
- 126 Inmates with PO holds and additional charges
  - 28 are Temporary Probation Hold only (10 days or less depending upon movement to a decision to revoke).
  - 60 are waiting for a Dept. of Corrections – Administrative Law Judge hearing.
  - 38 are waiting for an appearance in Circuit Court for Probation Revocation

## Pre-sentenced Inmates on Probation Holds in the Process



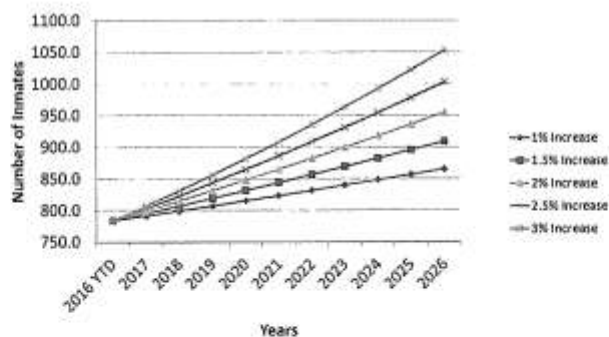




## Contract Inmates

- Federal Safe keepers – 2016 YTD
  - Average – 15.1 inmates
- State Safe keepers – 2016 YTD
  - Average – 1.7 inmates
- Green Bay has a Federal Courthouse that serves Northeast Wisconsin
- Citizens from Northeast WI (including Brown County) are charged in Federal court
- It is in the best interest of Brown County to work with the federal government to house these individuals to keep our community safe
  - Brown County receives funding from the Federal Government to house these inmates

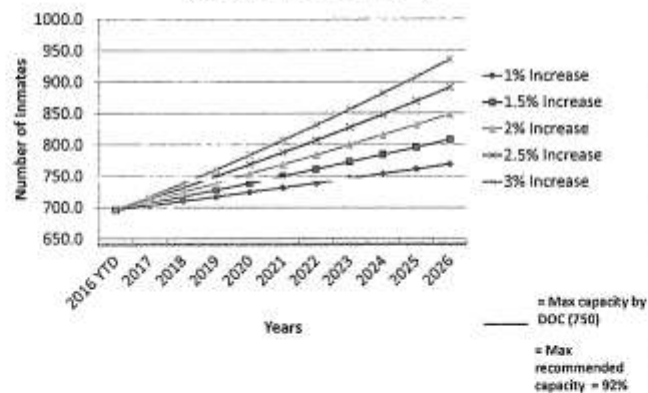
## Projection of ADP Increase (with EMP)



### Projection of ADP Increase (including EMP)

	1% Increase	1.5% Increase	2% Increase	2.5% Increase	3% Increase
2016 YTD	783.5	783.5	783.5	783.5	783.5
2017	791.3	795.3	799.2	803.1	807.0
2018	799.2	807.2	815.2	823.2	831.2
2019	807.2	819.3	831.5	843.7	856.2
2020	815.3	831.6	848.1	864.8	881.8
2021	823.5	844.1	865.0	886.5	908.3
2022	831.7	856.7	882.3	908.6	935.5
2023	840.0	869.6	900.0	931.3	963.6
2024	848.4	882.6	918.0	954.6	992.5
2025	856.9	895.8	936.4	978.5	1022.3
2026	865.5	909.3	955.1	1002.9	1053.0

### Projection of ADP Increase (without EMP)



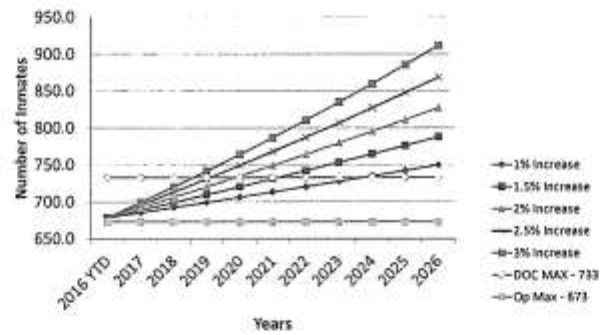
### Projection of ADP Increase (without EMP)

	1% Increase	1.5% Increase	2% Increase	2.5% Increase	3% Increase
2016 YTD	696.1	696.1	696.1	696.1	696.1
2017	703.1	706.5	710.0	713.5	717.0
2018	710.1	717.1	724.2	731.3	738.5
2019	717.2	727.9	738.7	749.6	760.6
2020	724.4	738.8	753.5	768.4	783.5
2021	731.6	749.9	768.6	787.6	807.0
2022	738.9	761.1	783.9	807.3	831.2
2023	746.3	772.6	799.6	827.4	856.1
2024	753.8	784.2	815.6	848.1	881.8
2025	761.3	795.9	831.9	869.3	908.3
2026	768.9	807.9	848.5	891.1	935.5

### Projection of ADP Increase (without EMP continued)

	1% Increase	1.5% Increase	2% Increase	2.5% Increase	3% Increase
2027	776.6	820.0	865.5	913.4	963.6
2028	784.4	832.3	882.8	936.2	992.5
2029	792.2	844.8	900.4	959.6	1022.2
2030	800.1	857.5	918.4	983.6	1052.9
2031	808.1	870.3	936.8	1008.2	1084.5
2032	816.2	883.4	955.5	1033.4	1117.0
2033	824.4	896.6	974.7	1059.2	1150.5
2034	832.6	910.1	994.2	1085.7	1185.1
2035	840.9	923.7	1014.0	1112.9	1220.6
2036	849.2	937.6	1034.3	1140.7	1257.2
2037	857.8	951.7	1055.0	1169.2	1295.0

### Projection of ADP Increase (without EMP or Juveniles)



### Projection of ADP Increase (without EMP or Juveniles)

	1% Increase	1.5% Increase	2% Increase	2.5% Increase	3% Increase
2016 YTD	678.8	678.8	678.8	678.8	678.8
2017	685.6	689.0	692.4	695.8	699.2
2018	692.4	699.3	706.2	713.2	720.1
2019	699.4	709.8	720.3	731.0	741.7
2020	706.4	720.5	734.8	749.3	764.0
2021	713.4	731.3	749.5	768.0	786.9
2022	720.6	742.2	764.4	787.2	810.5
2023	727.8	753.4	779.7	806.9	834.8
2024	735.0	764.7	795.3	827.1	859.9
2025	742.4	776.1	811.2	847.7	885.7
2026	749.8	787.8	827.5	868.9	912.3

## Summary

- We have been and continue to examine the Jail to ensure that it operates as efficient as possible
  - Find ways to increase the number of beds available
  - Find ways to possibly reduce the number of people in jail without a negative impact on public safety
  - To best utilize the bed space at the jail and be compliant with the DOC
  - If the Jail must exceed the DOC guidelines on a temporary basis, we have examined how this can be accomplished safely without jeopardizing the staff, inmates and community.

- In order to provide accurate information, Sheriff's Administration as a group physically examined all of the jail housing units, spoke with the Correctional staff about the jail population and concerns and compared that to Jail Data.
- Classification levels 1-9 for housed inmates.
  - 24% of inmates (1-3) High Risk inmates
  - 70% of inmates (4-6) Medium Risk inmates
  - 6% of inmates (7-9) Low Risk inmates

- Housing Unit data and physical inspections show that most units are operating near capacity with the exception of Juliet Pod (Juveniles) and Work Release Center Floors 4-5 (Huber inmates).
  - India Pod (Receiving) population averages about 20 open beds/day; however, on weekends, it operates over capacity.
- The Jail will be transitioning Juliet pod to Adults and moving the Juveniles to Kilo pod. This will increase the bed space available for adults. However, this will have a negative impact on Juvenile programming due to the space availability in Kilo. Additionally, the Jail revenue will decline due to the loss of contract juvenile bed days.

- Booking and Population Trends
  - Average about 9000 bookings; however, 2015 had 10,001.
  - Monday – Thursday average of 26 bookings per day. Friday – Sunday average of 23 bookings per day which equals 69 for the weekend.
  - 69 Bookings over the weekend has a direct impact on the India housing unit.
  - Average length of stay has increased 109% since 2001 and has increased 34% since 2010 (2001= 28 days, 2016 YTD = 59 days)
  - Population Trends (All inmates including EMP) 2001-2016 YTD. Jail Population increased by 66.34% for an ADP increase of 312.5 inmates /day (471 to 783.5 inmates).

- Population Trends (All inmates housed excluding EMP) 2001-2016 YTD. Jail Population increased by 54.24% for an ADP increase of 244.8 inmates /day (451.3 to 696.1 inmates) .
- Population Trends (Only Brown County Inmates – housed) 2001-2016 YTD. Jail Population increased by 49.22% for an ADP increase of 218.4 inmates /day(443.7 to 662.1 inmates).
- Population Trends (All Brown County Inmates – including EMP) 2001-2016 YTD. Jail Population increased by 61.74% for an ADP increase of 286.1 inmates /day (463.4 to 749.5 inmates).

- ADP growth percentage per year .
  - Total inmates including EMP showed significant growth between 2001-2009. However, 2009-2016 growth averaged 1% per year.
  - Total Brown County inmates (excluding State and Federal Inmates) showed significant growth between 2001-2009. However, 2009-2016 growth averaged 1% per year.
  - \*This confirms that the lockup part of the jail has been operating near capacity since 2009. It also indicates that the jail population growth has been directed to the Electronic Monitoring Program. This translates to an average of 2.3 inmates going to lockup and 5.5 inmates going to the EMP program each year.
  - \* The critical issue with this is that the jail is running out of qualified candidates for EMP.



- Male -Female bookings trends
  - 2001 – Males 80.23% and Females 19.59%
  - 2015 – Males 74.05% and Females 25.92%
  - This was an increase of just over 6% for the female population
- Male-Female population trend
  - Lockup 2009-2016 – Male population has slightly declined (502.1 to 496.6 inmates).
  - Lockup 2009-2016 – Female population has increased 22.66% (75.9 to 93.6 inmates).
  - Huber 2009-2016 – Male population had a significant decrease (108.1 to 73.05 inmates).
  - Huber 2009-2016 – Female population had a significant decrease as well (22.5 to 14.13 inmates).

- EMP 2009-2016 – Male population had a significant increase (34.0 to 65.9 inmates).
- EMP 2009-2016 – Female population had a significant increase as well (12.4 to 21.5 inmates).
- The ADP growth percentage for EMP inmates from 2009 to 2016 has increased 11.1% each year.
- \* Since 2009, EMP has seen an 88.8% increase which has significantly reduced the Huber population at the Work Release Center. This has made beds available on 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floors of the WRC for lockup inmates. We currently have a few beds available on 4<sup>th</sup> and 5<sup>th</sup> floor of the WRC.

- Sentenced vs Non-Sentenced inmates
  - A snapshot of the jail population taken July 14, 2016 indicated 79.9% of the inmates were not sentenced (20.1% sentenced).
  - Historical data from 2010 to 2015 has consistently shown that 68%-70% of the bookings have been for non-sentenced inmates.
  - 2016 YTD data indicates that 76.1% of the bookings have been for non-sentenced inmates.
  - \*This means that the jail currently has a high number of inmates in the court process. This is a direct result of new arrests. The 82 arrests during the recent DTF meth investigation as well as ongoing Internet Crimes Against Children investigations significantly contribute to these numbers.
  - \*\*This is also an indication that more inmates are waiting to complete the court process.

- Felony vs Misdemeanors
  - Currently in custody
    - 69.17% Felony
    - 27.72% Misdemeanor
    - 3.11% Municipal
- Felony vs. Misdemeanor Historical Booking Data
  - 2010 to 2016 YTD
    - Felony 29.2% to 39.14% increased 10%
    - Misdemeanor 48.6% to 56.5% increased 8%
    - Municipal 22.16% to 4.38% decreased 18%
- \* Even though felonies make up 40% of the bookings they represent 69% of the current jail population. This makes sense because felony offenders are less likely to be released on bond.

- Bond amounts by charges (Snapshot from July 2016)
  - < \$1,000 = 13% (53)
  - \$1,001 - \$1,999 = 13% (57)
  - \$2,000 - \$4,999 = 13% (54)
  - \$5,000 - \$10,000 = 28% (118)
  - \$10,001 - \$25,000 = 14% (58)
  - \$25,001 - \$75,000 = 11% (47)
  - >\$75,000 = 8% (33)
- 26% of the bonds are less than \$2,000

- 212 Probation and Parole inmates
  - 86 inmates have PO hold only
    - 33 Temp hold
    - 33 are awaiting an Administrative Law Judge hearing
    - 20 are awaiting an appearance in Circuit Court
  - 126 inmates have a PO hold w/ additional charges
    - 28 Temp hold
    - 60 are awaiting an Administrative Law Judge hearing
    - 38 are awaiting an appearance in Circuit Court

### Probation Revocation Process Timeline

- Probation Agent Timelines
  - Initial hold – 10 days
  - May have additional 8 days from Supervisor
  - About 1-2 weeks
- Administrative Law Judge Hearing (ALJ) timelines
  - Hearing normally conducted within 50 days
  - Normally takes 20-30 business days from the hearing to complete the ALJ process.
  - About 70-80 days (about 2 ½ months)
- Circuit Court Revocation hearings
  - Normally 60-90 days prior to appearance before the judge.
  - Judge's decision (Judgement of Conviction) usually takes an additional week to receive the paperwork.
- \*Total process often takes up to 6 months.

### Projections

- The average total inmate growth (including EMP) of the Brown County Jail has been an increase of 4.1% each year from 2001-2016.
  - The most significant growth occurred between 2001 and 2005, shortly after the jail was built with an increase of 7.4% each year.
  - Between 2005 and 2009, the jail increased by 2.5% each year.
  - Since 2009 to 2016 YTD, the jail has increased by 1.1% each year.
  - \* The jail population has not seen significant change from 2009 to 2016 YTD (1.1%). This has been due to the replacement of Federal/State inmates with Brown County Inmates. The jail has reduced the number of Federal /State inmates from a high of 59.7 average in 2007 to a 2016 YTD average of 15.1 which is 44.6 additional Brown County Inmates.

- \*\*In previous years the jail held a large number of State/Federal Inmates. When the jail population approached capacity, the jail could reduce the number of inmates from other jurisdictions. The impact of this was the loss of revenue. Currently previous beds occupied by State/Federal inmates are now occupied by Brown County inmates. When the jail reaches capacity, we must house Brown County inmates in another county at a cost.
- After review of the statistics, future growth is estimated between 1% to 2% per year for adult inmates. This results in a daily average increase of 7-8 adult inmates.
- Based on DOC guidelines of a maximum of 733 adult inmates (with the transition of Juliet Pod to adult), and the recommended operating maximum of 673 (room for inmates in India – 20 beds, Fox – 5-10, Hotel – 5, and 25 -30 beds throughout the remaining 7 pods at the Main Jail and 25 cellblocks at the WRC – 60 beds for 35 housing units).

## Projections

- With an ADP of 678.8 for adults, the Brown County jail is already over the recommended 673 capacity if adults were in Juliet (this is a 20 bed increase from current housing).